



# STATE OF THE PARK 2017-18

**- THREATENED -**

# THE ADIRONDACK PARK

The Adirondack Park is the world's largest intact temperate deciduous forest. It is also the largest park in the contiguous United States. It contains six million acres (9,300 square-miles), covers one-fifth of New York State and is equal in size to neighboring Vermont. The Adirondack Park is nearly three times the size of Yellowstone National Park.

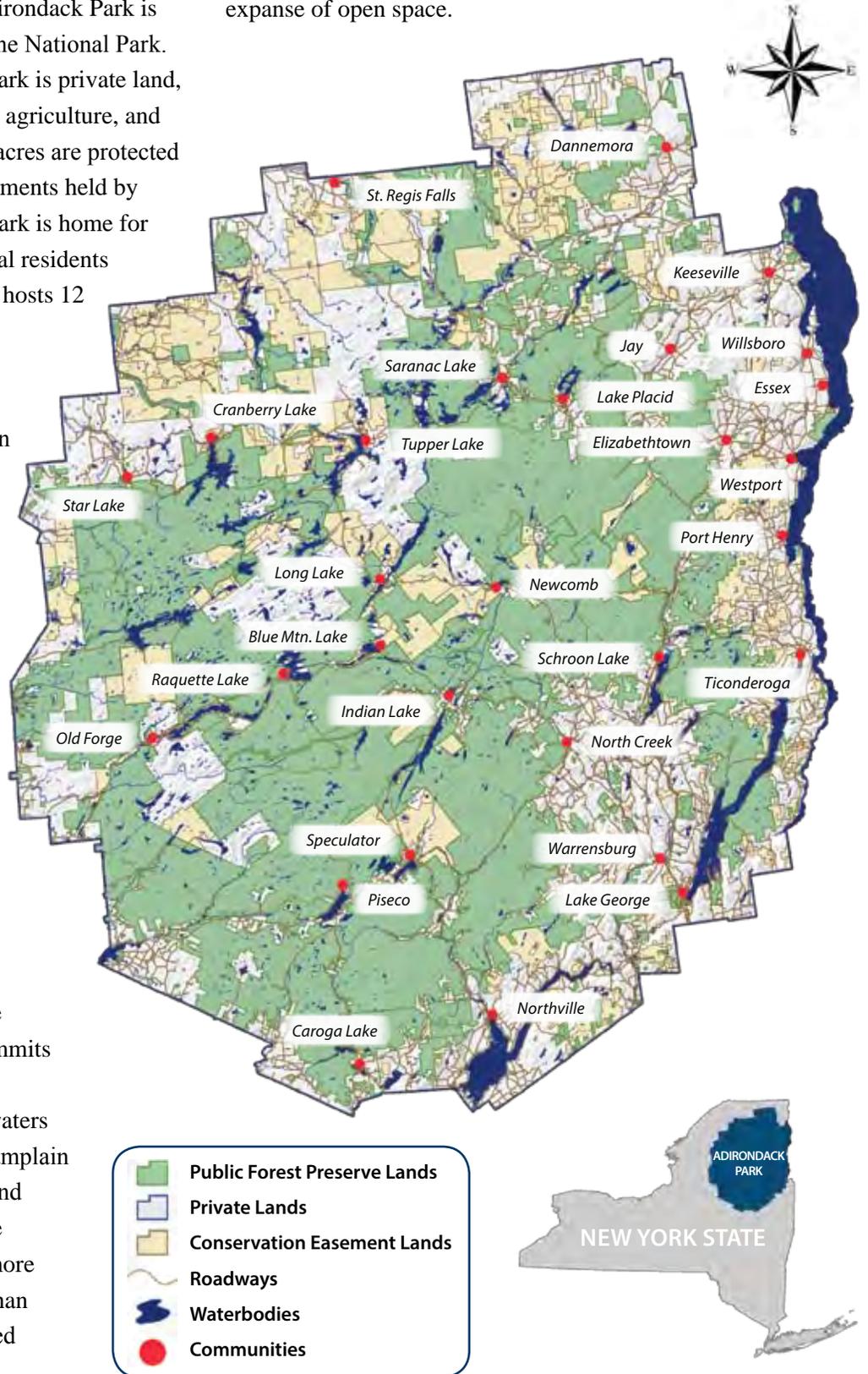
More than half of the Adirondack Park is private land, devoted principally to hamlets, forestry, agriculture, and open-space recreation. Nearly 775,000 acres are protected from development by conservation easements held by the state or private organizations. The Park is home for 130,000 permanent and 200,000 seasonal residents in 120 hamlets and 9 villages. The Park hosts 12 million visitors yearly.

Nearly half of the Park is publicly owned Forest Preserve, protected as "Forever Wild" by the NYS Constitution since 1894. About 1.1 million acres of these public lands are protected as Wilderness, where non-mechanized recreation may be enjoyed. Most of the public land (more than 1.4 million acres) is Wild Forest, where motorized uses are permitted on designated waters, roads and trails.

Plants and wildlife abound in the Park. Old growth forests cover more than 100,000 acres of public land. The western and southern Adirondacks are gentle landscapes of hills, lakes, wetlands, ponds, and streams. In the northeast are the forty-six High Peaks. Forty-three of them rise above 4,000 feet and 11 have alpine summits that rise above the timberline.

The Adirondacks include the headwaters of five major drainage basins. Lake Champlain and the Hudson, Black, St. Lawrence, and Mohawk Rivers all draw water from the Adirondack Park. Within the Park are more than 2,800 lakes and ponds, and more than 1,500 miles of rivers, fed by an estimated 30,000 miles of brooks and streams.

Through public education and advocacy for the protection of the Park's ecological integrity and wild character, the Adirondack Council advises public and private policymakers on ways to safeguard this great expanse of open space.



# STATE OF THE PARK 2017-18

## A REVIEW OF ELECTED AND APPOINTED GOVERNMENT OFFICIALS' ACTIONS AFFECTING THE ADIRONDACK PARK

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**Written and Edited by Adirondack Council Staff**

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The mission of the Adirondack Council is to ensure the ecological integrity and wild character of the Adirondack Park for current and future generations. We envision an Adirondack Park with clean water and air and large wilderness areas, surrounded by working forests and farms and vibrant local communities.

Using science, we *educate* the public and policymakers; *advocate* for regulations, policies and funding to benefit the Park's environment and communities; *monitor* proposals, legislation and policies impacting the Park; and, when necessary *take legal action* to uphold constitutional protections and agency policies established to protect the Adirondack Park.

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## Celebrating Progress, Assessing Threats & Navigating Forward

Dear Friends and Partners:

There is much we can and should applaud in 2017 as we celebrate the 125th anniversary of the Park's creation in 1892. There are millions of acres of restored land protected by the best conservation law in the world. We have the largest temperate forest in the world inside the biggest park in the contiguous United States. We are recovering from many years of acid rain damage. Loon, heritage trout, moose, and bald eagle populations are rebounding. The Park economy is stronger than most rural areas with more pathways to success than ever.

But on a late August traverse of Haystack, Marcy and Skylight, one could see smog on the horizon hinting at increases in cross-state pollution that threaten to reverse our progress on acid rain. Additional sources of pollution are also degrading pristine lakes including the "Queen of America's lakes" – Lake George. Record crowds are using and negatively impacting the popular High Peaks, overwhelming parking in some towns, while others strive to attract more tourism dollars. New invasive species are putting our forests and waters at risk. Powerful forces propose to weaken the State Constitution's (Article XIV) Forever Wild clause.

Storm clouds are on the horizon. The Park is in trouble. With turmoil and corruption in government, we need the Adirondacks now more than ever. But the Park's future is threatened. We must navigate together, carefully, setting a clear direction, avoiding dangers, and making progress toward shared goals.

This Adirondack Council annual review of the actions - or inactions - of local, state and federal government over the last 12 months is the most comprehensive account of public policy actions that affect the Adirondacks. There is a report card on the 2017 priorities on page 3, and new priorities for 2018 on page 21.

Thank you for your past support of efforts to preserve the Adirondack Park's ecological integrity and wild character, and to help foster more vibrant communities.

Happy Trails,

William C. Janeway  
Executive Director

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Diane Fish	Kyle Plaske**
J. A. Tyler Frakes	John F. Sheehan
Lisa M. Genier	

\*Grant Conservation Associate

\*\*Clarence Petty Intern

## Ongoing Project Consultants

### Legal Counsel:

Doug Ward; Young/Sommer

Phil Gitlen; Whiteman Osterman & Hanna

### Wilderness Campaign:

Carl Heilman, Wild Visions, Inc.

SKD Knickerbocker; Smartmeme Studios

### Clean Water Initiative:

David J. Miller, Clean Water Program Coordinator

Bernard Melewski, Esq.

# 2017 REPORT CARD

Elected and appointed government leaders made decisions in 2017 that affected the legacy of the Adirondacks. Here are the 2017 priorities (from September 2016), and a report on how they did.

## 2017 Priorities

## Results

## Analysis

**Expand Wilderness:** Protect the Boreas Ponds and the most sensitive parts of the 20,500-acre Boreas tract and other new state lands as Wilderness. Protect water and wildlife from invasive species and motorized uses. Provide recreational access. Help communities benefit from new state lands.



In 2018, we hope to give the Governor and the state a huge thumbs up for protecting the Boreas Ponds as Wilderness. As of now they have not done so. Protections from invasives have improved but not from motorized uses. Expanded recreational access is helping communities.

**Protect Forests and Wildlife:** Expand the use of science and regional coordination in state land planning. Adopt science-based conservation reforms of the Adirondack Park Agency (APA) 1970s-era rules for backcountry development and clear-cutting. Support healthy forests.



State agencies seemed to decrease and not expand the use of science and regional coordination of planning. The state didn't adopt reforms and update 45-year-old Park Agency rules for development or clear-cutting and the healthy forests (Empire Forest) initiative didn't happen.

**Help Communities:** Secure new funds for hamlet revitalization, community infrastructure and farms. Support efforts to address legitimate local road utility infrastructure needs while protecting the Park's wild character.



The Governor's agencies have rewarded communities with millions in grants for revitalization, new trails, and a \$32 million recreational hub. The Legislature approved a proposed constitutional amendment to address community health, safety and infrastructure needs.

**Address threats from off-road-vehicles:** Update all-terrain vehicle (ATV) law to protect state Forest Preserve lands, waters, wildlife, and public health from negative impacts stemming from ATV use.



No general ban enacted on ATV use on Forest Preserve by the state Legislature or state agencies.

**Combat Water Pollution, Invasive Species and Climate Change:** Protect clean water, forests and wildlife from threats posed by invasive species, road salt, acid rain, unsafe oil transportation, and climate change. Address non-compliance with the Clean Water Act. Support the federal Clean Power Plan. Advance "critical load" air pollution standards for sensitive downwind forests and wildlife.



New York's new \$2.5 billion in clean water grants will provide significant help. State efforts on climate change are a model for the country. There was more progress on invasives, and some help with road salt. Acid rain and unsafe oil transport were not addressed. The Trump administration retreated on climate change.

**Strengthen Agencies:** Restore essential agency staff at the Adirondack Park Agency, Dept. of Environmental Conservation and other state agencies. Hire clean water engineers, foresters, rangers, planners, law enforcement, and education and compliance staff.



The state didn't strengthen agencies or restore critical staff at the APA and the DEC from cuts in the great recession, but retiring rangers and other new vacancies were replaced, maintaining status quo.

**Fund Conservation:** Realize the full potential of a \$300 million Environmental Protection Fund, with funding for open space protection, state land stewardship, invasive species, climate change, biodiversity science, and smart growth planning and project grants. Expand clean water grants. Dedicate all Regional Greenhouse Gas Initiative (RGGI) revenues to energy conservation and clean-energy development.



A \$300-million Environmental Protection Fund included money for state land stewardship, invasive species, smart growth planning. However, the Governor and Legislature diminished the victory by again raiding reserve funds of the Regional Greenhouse Gas Initiative, reducing available funds for renewable energy, energy conservation and green jobs. Clean water grants were expanded.



# THE GOVERNOR



## Grants Help Pure Water

Gov. Andrew Cuomo approved a new \$2.5-billion program for clean water infrastructure statewide. Grants to small communities will offset the cost to taxpayers for providing infrastructure to improve water quality statewide, while providing jobs. These grants include \$75 million to pay half the costs to repair faulty private septic systems. So far in the Adirondacks, over \$15 million in grants have been awarded, including awards to the Village of Saranac Lake and the Town of Willsboro.



## We'll Always Have Paris...

After President Donald Trump declared that the United States would cease to participate in the Paris Climate Agreement, Governor Cuomo vowed that New York would meet or exceed the requirements of the agreement, to set an example for the rest of the nation. New York's participation in the Regional Greenhouse Gas Initiative is expected to result in a 45-percent reduction in carbon emissions from power plants by 2020, based on 2005 levels. The Governor has set a target of making 50 percent of the state's power from renewable energy by 2030.

*Above: Boreas Ponds and the High Peaks.*  
Photo © Carl Heilman II/Wild Visions, Inc.



## Dooffing a New Cap

In August, Governor Cuomo and his counterparts in nine Northeast states agreed to an additional 132-million-ton reduction in the carbon emissions allowed in states participating in the Regional Greenhouse Gas Initiative. Power plants will face an additional 30-percent cut on maximum total emissions allowed starting in 2020. The cut means that by 2030, the power sector in nine states will be emitting 65 percent less greenhouse gas than in 2009. This pace is faster than the cuts required by the suspended federal Clean Power Plan or the Paris Accord.



## Park Agency Reined In

The Adirondack Park Agency (APA) is a part of state government, created by the Legislature and the Governor in 1971 with independent authority and oversight responsibilities. Once appointed by the Governor and confirmed by the Senate, board members serve four-year terms, not at the pleasure of the Governor. The Agency's priorities are well established, have the power of law and should be honored. They include rules regarding fair treatment of all applicants, planning and the protection of the natural resources and wild character of the private lands and the state-owned "Forever Wild" Forest Preserve, and local community assistance. The Park Agency has not recently demonstrated, or been allowed to exercise, its past degree of independence.



## \$300 Million Environmental Fund

For the second consecutive year, the Governor proposed and gained approval for a \$300-million Environmental Protection Fund (EPF) – the highest level of funding since it began. The EPF uses revenue from a tax on real estate sales to fund land acquisition, farmland protection, state land stewardship, local community Smart Growth grants, Climate Smart Communities initiatives, parks, and historic preservation.



## New Kind of PRISM

The Governor provided funding statewide for Partnerships for Regional Invasive Species Management (PRISM) with resource managers, not-for-profit organizations, user groups, citizens, and other state agencies to combat invasive species. PRISMs recruit and train citizen volunteers, establish early detection and monitoring networks and carry out eradication and control efforts. The Adirondack Park Invasive Plant Program has been funded for many years. Full funding of other regional programs will help keep invasive species from spreading to the Park by educating people across the state about them.



*Boat wash station on the Great Sacandaga Lake.*

**“YOU WANT TO DEVELOP THE ASSET (THE ADIRONDACK PARK) BECAUSE WE NEED JOBS, WE NEED THE ECONOMY, WE NEED TOURISM. IT HAS TO BE DONE IN A WAY THAT DOESN'T DISRUPT OR DETERIORATE THE ASSET. BECAUSE THE ADIRONDACK PARK IS NOT JUST AN ECONOMIC ASSET, IT'S NOT JUST A STATE PARK, IT REALLY IS A GIFT FROM GOD. I BELIEVE THAT. THERE IS A SPIRITUALITY TO THE ADIRONDACK[S] ... THAT IS UNDENIABLE. AND THE LAST THING WE WOULD WANT TO DO IS DIMINISH THAT ASSET. OUR GOAL IS TO LEAVE IT EVEN BETTER THAN BEFORE FOR OUR CHILDREN.”**

**GOV. CUOMO REMARKS AT THE ADIRONDACK CHALLENGE**

 **Delayed Protections for Boreas Ponds**

The official record, the science, the law, and the vast majority of public opinion support protection and classification of the most sensitive of new state Forest Preserve (former Nature Conservancy/Finch lands and waters) including the Boreas Ponds as Wilderness. But decisions have been delayed and proposals for non-Wilderness designations that could allow motorized and mechanized recreation on and around the Boreas Ponds keep circulating.

 **Recreation First, Protection Maybe**

The Governor's Department of Environmental Conservation (DEC) continues to propose amendments to Forest Preserve Unit Management Plans that advance motorized access and more intense recreation, while doing little to improve environmental protection and stewardship. Unit management planning should take a holistic approach, which sets environmental protection goals first -- as the Adirondack Park State Land Master Plan requires -- then adapts recreation plans to fit those parameters.

 **Growing Communities**

The Governor's budget included \$545,000 in Smart Growth grants to communities in the Adirondack Park. The St. Lawrence County towns of Clifton and Fine received \$75,000 for cleanup of hazardous materials at the former Jones & Laughlin Steel Company. In Essex County, the Town of Moriah received \$75,000 for a waterfront redevelopment project, and Fort Ticonderoga received \$25,000.

 **Doing Less with Less?**

The APA and the DEC continue to suffer from personnel cuts made during the Great Recession that have not been reversed by the Governor. Staffing at the APA has fallen by 30 percent from a decade ago, and the DEC has lost 20 percent of its personnel since 2008, leaving hundreds of positions unfilled.

 **Glamping & Huts on the Forest Preserve**

There are clear legal prohibitions on the establishment of lodging and related infrastructure on the constitutionally protected "Forever Wild" Forest Preserve. Despite this, it appears that somewhere in the administration, there is support for lodging, huts, glamping, and other infrastructure where it isn't allowed. The place to support such infrastructure is on private lands and in communities.

 **Empire Forest Non-Initiative**

For the second year in a row, the Governor announced an "Empire Forest for the Future Initiative" in his State of the State message, yet no legislation was introduced to carry it out. This initiative would include reforms to timber tax abatements (RPTL 480a) and incentives for landowners to protect private forests.

 **North Hudson Tourism Hub In the Works**

Governor Cuomo proposed a \$32-million public/private High Peaks tourism hub at Exit 29 of the Northway (I-87) on the site of the defunct Frontier Town amusement park in North Hudson. This investment in a community center could complement an expanded High Peaks Wilderness that includes the Boreas Ponds, buffer lands and more. The hub could become a stopover for motorists, hikers, cyclists, canoeists, snowmobilers, and anglers.



*Exit 29 in North Hudson, Essex County. Photos © Carl Heilman II/Wild Visions, Inc.*

 **Another Adirondack Challenge**

The Governor held his fifth Adirondack Challenge this summer, showcasing rafting on the Indian River; horseback riding and fly-fishing along the Cedar River; a 130-mile motorcycle ride through scenic Adirondack communities; golf at Cedar River Golf Club in Indian Lake; a guided hike to OK Slip Falls; and kayaking, canoeing and paddle boarding. The day concluded with a Taste of NY food and beverage reception at Gore Mountain.



**Review additional Governor actions in the State of the Park online addendum at: [AdirondackCouncil.org](http://AdirondackCouncil.org).**



# STATE LEGISLATURE

## BOTH HOUSES



### Communities Win Land Bank Approval

Both houses of the Legislature approved a Constitutional Amendment that would create a Community Health and Safety Land Bank, if approved by the voters on Nov. 7. Legislators also approved the enabling legislation that specifies how the amendment will be carried out.



### Communities Score in Budget

The Legislature responded to the Adirondack Council's 2016 report *Clean Water Infrastructure in the Adirondack Park: Crisis or Opportunity* by urging the Governor to increase from \$2 billion to \$2.5 billion the amount of money made available for grants and loans to improve clean water infrastructure statewide. See **Grants Help Pure Water under the Governor**.



### Communities Score Again

For the second consecutive year, the Legislature approved a \$300-million appropriation through the Environmental Protection Fund (EPF) – the highest level since it began in 1993. The EPF uses revenue from the real estate transfer tax to fund capital projects that protect the environment. The EPF funds land acquisition, invasive species prevention, farmland protection, state land stewardship, local community smart growth grants, Climate Smart Communities initiatives, parks and historic preservation.



### No Solution to ATV Trespass, Damage

State forest rangers arrested or ticketed an ATV-riding abuser of state lands nearly every day, on average, in 2016. Yet, once again, neither house of the Legislature made progress on a general ban on all-terrain vehicle (ATV) use on the Adirondack Forest Preserve. Weak rules and inconsistent enforcement are encouraging trespass, leading to trail erosion, water pollution and wildlife disturbance. A general ban would restrict ATV use mainly to private lands and roads (where legal), including some timberlands where the state owns recreational rights.



### 45 Years with No Tune-Up

Neither house of the Legislature made meaningful progress on reforms to the 45-year-old land-use regulations administered by the Adirondack Park Agency. The APA's time-worn rules for development need a science-based update that better protects open space, wildlife and water quality, especially on the Park's most remote private lands and waters.



### New Lands Need More Rangers

Neither house passed a bill (S.3987/A.1459) that would improve stewardship of the Adirondack Forest Preserve by adding one new full-time forest ranger for every 30,000 acres of land acquired by the state.



### Paying the Middle

Both houses passed legislation, (A.7892/S.6317) sponsored by Assemblyman Steve Englebright, D-Setauket and Senator Kemp Hannon, R- Garden City, that would allow septic contractors who install new or replace failing septic systems to receive direct reimbursement from the Septic System Replacement Fund. This fund was created in this year's budget.



Hannon



### Water Bonds

Assemblyman Englebright and Senator Hannon sponsored bills (A.5467/S.3772B) that would create a \$5-billion Clean Water Bond Act of 2018 to preserve, enhance and restore the state's water quality and resources. If passed by both houses, this referendum would have been put on the ballot on election day for New Yorkers to vote on it.



### Private Campgrounds Into Neighborhoods?

Both houses wisely declined to approve a bill by Senator Betty Little, R-Queensbury, and Assemblyman Dan Stec, R-Queensbury, (S.141/A.2909) that would turn private, seasonal campgrounds into permanent, substandard, year-round subdivisions or trailer parks.

*Above: Farm fields in Westport, Essex County.*



## Should be Inalienable Rights

Assemblyman Englebright and Senator David Carlucci, D-Clarkstown, proposed a constitutional amendment (A.6279/



S.5287) that, if approved by the voters, would add the right to clean air and water and a healthful environment into the state constitution's bill of rights. Pennsylvania, Hawaii, Massachusetts, and Montana have

similar constitutional protections in place. Neither house passed these bills.



## Gabriels Needs a Trumpet

Time ran out in June before legislators could reach an agreement on the re-use of the heavily developed, former Camp Gabriels state prison campus in the hamlet of Gabriels, near Paul Smiths. State lands inside the Adirondack Park are considered Forest Preserve. This proposed Constitutional Amendment (S.2041/A.5739) authorizing the sale or use of this property as non-Forest Preserve lands was sponsored by Senator Little and Assemblyman Billy Jones, D-Chateaugay.

## THE SENATE



## Reward for Protecting Wildlife

The Senate passed a bill to establish a



forest stewardship and habitat conservation credit for personal income and business franchise taxes. Such a credit would encourage conservation by rewarding landowners for keeping forest wildlife habitat intact and undeveloped. The bill (S.138/A.1874) was sponsored by Senator Little and Assemblywoman Carrie Woerner, D-Round Lake.



## Moose in the Crosshairs

The Senate approved a bill (S.93-A) sponsored by Sen. Patrick M. Gallivan, R-Elma, that would create a moose hunting season in New York. The state's moose population is slowly growing following an absence caused by overhunting and habitat loss. There is no reason to manage their numbers through hunting.



## Battle for Custody

Senator Little and Assemblyman Stec, sponsored a bill (S.2647/A.2910) that would transfer the management of Great Camp Santanoni in Newcomb from the Dept. of Environmental Conservation (DEC) to the Office of Parks, Recreation & Historic Preservation which operates state parks, campgrounds and historic sites outside the Adirondacks. The DEC is better equipped to manage this site in keeping with the NYS Constitution, which says the Forest Preserve must be "forever kept as wild forest lands."

## THE ASSEMBLY



## Conservation-Design Standard Proposed

Assemblyman Englebright sponsored a bill (A.5451) to improve the design



requirements for large, backcountry development plans in the Adirondack Park. The bill was the first significant legislation aimed at reform of the Adirondack Park Agency's development

rules in a long time. It did not advance to the floor of the Assembly for a vote, but is a starting point for discussions.



## More Land Money

Leaders in the Assembly fought efforts by the Governor and the Senate to reduce open space protection funding in this year's budget. While both the Senate and Governor proposed to reduce funding from \$40 million to \$33 million, the Assembly worked hard to limit that reduction, resulting in \$36.4 million total for this year's budget.



## Recognizing Staffing Needs

A bill sponsored by Assemblywoman Addie Jenne, D-Watertown, and Sen.



Richard Funke, R-Batavia, would improve stewardship of the Adirondack Forest Preserve by adding one new full-time forest ranger for every 30,000 acres of land acquired by the state. With recent increases in the amount of rescues and documented resource impacts stemming from overuse, additional resources are greatly needed.



## Bigger, Badder ATVs Sought

Assemblywoman Jenne sponsored a bill (A.1429-A) that would allow the registration of a new class of off-road vehicles for use on public trails and roads. Unfortunately, the legislation would make it easier to establish new ATV trails on the Forest Preserve. The Assembly didn't pass the bill.



## Would Replace Goal with Deadline

The Assembly passed a Climate and Community Protection Act (A.8270-A) sponsored by Assemblyman Englebright to address and mitigate the impacts of climate change. It would codify the state's renewable energy plan to make 50 percent of all power by renewable sources by 2030. It would also establish a climate justice working group.



## No Credit for Wildlife

The Assembly didn't pass a bill (A.1874) sponsored by Assemblywoman Carrie Woerner that would provide a conservation tax credit and help protect wildlife habitat. *See Reward for Protecting Wildlife under the Senate.*



Review additional State Legislature actions in the State of the Park online addendum at: [AdirondackCouncil.org](http://AdirondackCouncil.org).



# THE COURTS



## Court Restarts Stalled Methane Rule

In July, the U.S. Court of Appeals for the District of Columbia Circuit sided with the Environmental Defense Fund and blocked the Trump administration’s efforts to delay new rules for methane emissions from oil and gas operations. The court reinstated the Environmental Protection Agency’s (EPA) 2016 methane rules, halting the administration’s attempt to delay enforcement for 90 days.



## Court Helps Trump Delay Climate Action

In August 2017, the U.S. Court of Appeals for the District of Columbia Circuit granted the EPA 60 more days to review the Clean Power Plan (CPP) before deciding whether the EPA will defend the plan from a legal challenge. While decisions to grant delays are fairly routine, this one enables a continued stalling of the nation’s first greenhouse-gas reduction plan. The plan was developed by the EPA under the Obama administration, which defended it in court until the administration ended in January. Siding with coal companies and power plant owners who sued to overturn the plan, the Trump administration has said it didn’t want to defend the CPP in court, and ultimately intends to repeal it.



Review additional Court actions in the State of the Park online addendum at: [AdirondackCouncil.org](http://AdirondackCouncil.org).



## Helping Defend Wilderness

In August, the NYS Supreme Court Appellate Division, Third Judicial Department granted the Adirondack Council’s motion to intervene in a lawsuit to help preserve the state’s authority to close former town roads that go through state-owned Wilderness areas. The Town of North Elba sued to reopen the former Old Mountain Road, which has not been maintained for decades and is now the Jackrabbit Ski Trail. It traverses the Sentinel Range Wilderness Area.



*The Jackrabbit Ski Trail in the Sentinel Range Wilderness Area, Essex County.*

## OTHER COURT DECISIONS

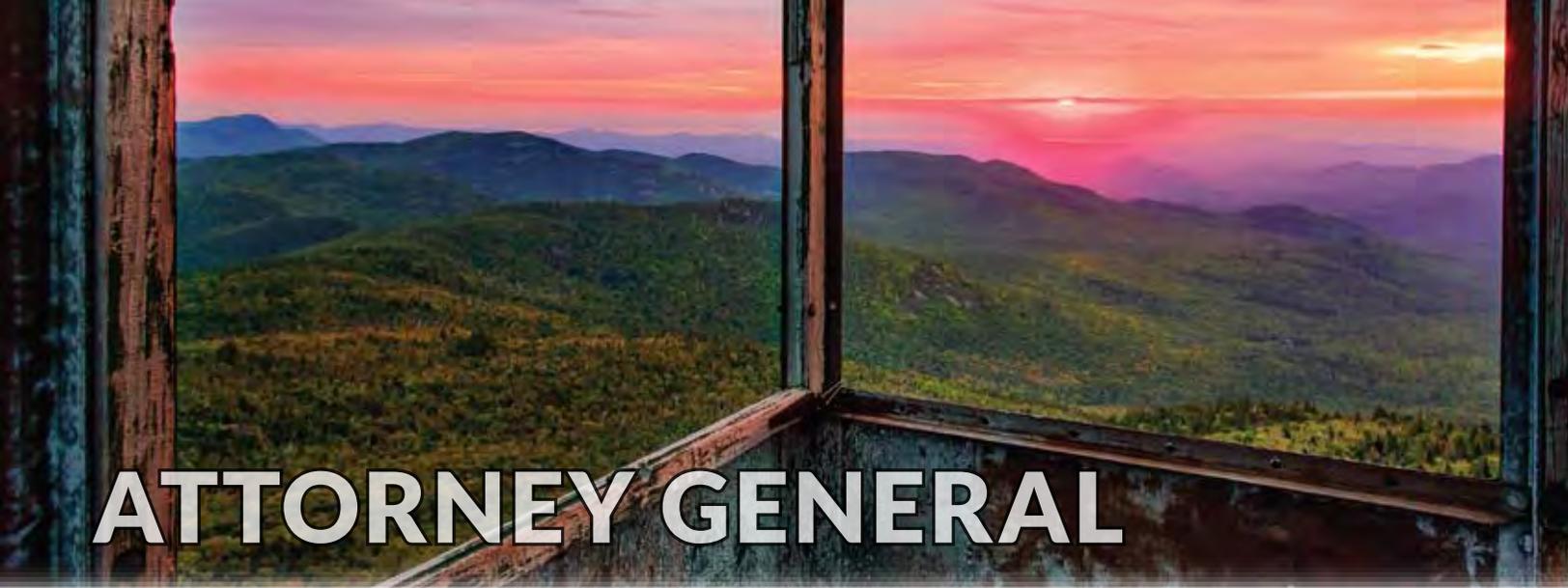
### Motorized Use Complaints Dismissed

The State Supreme Court in Albany dismissed a complaint by organizations Protect the Adirondacks and Adirondack Wild: Friends of the Forest Preserve, who contended in January that the management plan for the Essex Chain of Lakes was unlawful. The suit said the proposed new public motorized use of the Polaris Bridge over the Hudson River violates the Adirondack Park State Land Master Plan, the state Wild, Scenic, and Recreational Rivers Act and the state snowmobile-trail policy. The groups appealed the dismissal. The Appellate Division of the Supreme Court was due to hear the case in the fall of 2017. The Adirondack Council and Adirondack Mountain Club preserved their rights to bring actions against the state if it fails to comply with legal requirements.

### Court Says Timber Challenge May Continue

In January, State Supreme Court Justice Gerald Connolly of Albany County ruled that a lawsuit can proceed challenging the state’s construction of a new class of wider, flatter snowmobile trails in the Adirondack Park. The state wants to build 36 miles of “Community Connector” trails through Forest Preserve lands protected by the NYS Constitution’s “Forever Wild” clause. The conservation group Protect the Adirondacks sued, asserting that road-like snowmobile trails required removing too many trees from the Forest Preserve, based on tree-cutting limits set by previous court decisions. Article XIV, Section 1 of the state constitution bans destruction or removal of the Forest Preserve’s timber. State officials contend that the plaintiffs counted saplings as trees, arguing that trees only count as timber when they reach a certain size. In 2016, the court issued an injunction halting the DEC’s construction of the trails while the lawsuit was being heard.

*Above: Paddlers on the Moose River. Photo © Carl Heilman II/Wild Visions, Inc.*



# ATTORNEY GENERAL



## Leading Against Climate Change

In March, Attorney General Eric Schneiderman led a coalition of 23 states, cities and counties in opposing a Trump administration executive order beginning the repeal of the Clean Power Plan. The CPP is the U.S. Environmental Protection Agency's (EPA) program for curbing greenhouse gases from power plants by creating a national carbon-reduction program. It is similar to the successful, nine-state Regional Greenhouse Gas Initiative in which New York participates. Upon taking office in February, EPA Administrator Scott Pruitt fired most of EPA's science advisory board and began the process of repealing the CPP.



## Less "Boom" in Crude

In May, Atty. Gen. Schneiderman petitioned the federal Pipeline and Hazardous Materials Safety Administration to reduce volatility and explosiveness of oil train cargo. Canadian Pacific Railway transports Bakken crude oil and possibly Alberta tar sands oil through the Adirondack Park on the shore of Lake Champlain. Crude oil is damaging to the environment when spilled and often contains other volatile compounds that can catch fire or explode.

*Above: Sunrise from the Hurricane Mountain firetower. Photo © Carl Heilman II/Wild Visions, Inc.*



## Challenging EPA on Climate

In April, Atty. Gen. Schneiderman led another coalition seeking to prevent the EPA from delaying a decision on the CPP by the U.S. Court of Appeals for the District of Columbia Circuit. The EPA was sued in federal court in 2016 by polluters, energy companies and others seeking to overturn the rule. When the lawsuit was filed, the appeals court had refused to put the CPP on hold while it heard the case. However, the Supreme Court took the unusual step of imposing a stay in the lower court, preventing enforcement of the rule until the appeals court made a final decision. In August, the appeals court granted the EPA an additional 60 days to determine whether it planned to defend the rule or abandon the case before the court reaches a decision.



*A southbound train transports crude oil between the Wickham Marsh Wildlife Management Area and Lake Champlain in Port Kent, NY.*



## Blowing the Smog Horn

Atty. Gen. Schneiderman won a quick victory in August when the EPA dropped a proposal to delay until October 2018 its obligation to identify which parts of the nation are out of compliance with the updated National Ambient Air Quality Standards. The standards are designed to protect human health and the environment from smog and fine soot particles. The new standard (set in 2015) is more protective than the 2008 standard now in place. The EPA must identify which areas are out of compliance with the stricter pollution limits and tell state officials that they must take corrective action. The EPA must do so by October of 2017.



## In Position to Recover Fumble

In January, Atty. Gen. Schneiderman anticipated that the Trump administration would do little to defend the EPA's 2016 update to the Cross-State Air Pollution Rule that would better protect public health. So, he and six of his counterparts from Northeast states filed a motion to intervene to defend the rule from a legal challenge by 14 upwind states and coal-fired power plant owners. The rule would bring significant relief from acid rain and smog across the Northeast by requiring power plants in 22 states to reduce nitrogen-based air pollution and fine soot particles. The updated rule was due to go into effect on May 1, but EPA Administrator Scott Pruitt has refused to order those power plants to turn on the already installed smog-reducing pollution controls.



# ON THE NOVEMBER BALLOT

This year New York voters will be asked to consider three ballot proposals on Election Day (Nov. 7). Two of the three should be very important to anyone who cares about the Adirondack Park.

## PROPOSAL ONE

Proposal One will ask whether voters wish to hold a Constitutional Convention. The NYS Constitution provides that this question must be asked of the voters every 20 years. A convention threatens the Forest Preserve’s “Forever Wild” clause protections, under Article XIV, Section 1, adopted in 1894.

### Constitutional Convention

The Adirondack Council is concerned that a convention unnecessarily risks weakening or eliminating the Forever Wild Clause. It is the strongest environmental protection law in the world. It remains strong because it cannot be repealed or weakened by government. Only voters may alter it.

Forever Wild protects drinking water and more than three-million acres of Adirondack and Catskill Forest Preserve from logging, lease, sale, development, and destruction. It safeguards nearly all of the motor-free Wilderness and never-logged, ancient forest remaining in the Northeast.

In Albany, there is corruption. In the last convention, the vast majority of delegates were state legislators, their families, staff, and/or friends. Delegates are elected by NYS Senate districts. The Senate and others have tried to weaken Article XIV. Special interests that support weakening “Forever Wild” and other constitutionally guaranteed protections will control the convention.

In addition, campaign finance laws and the U.S. Supreme Court decision in Citizens United ensures that corporations and limited liability companies can make virtually unlimited contributions. Out-of-state corporations can exert enormous influence over a convention.

Reforms can and have been achieved without a convention. The Adirondack Council opposes a Constitutional Convention - a process that will open Article XIV to weakening.

## PROPOSAL THREE

The other, Proposal Three, is a Constitutional Amendment that would create a modest land bank for Adirondack community health and safety projects involving roads crossing the Forest Preserve.

### Health & Safety Amendment

The Adirondack and Catskill Parks are special. Both contain a mix of public and private lands, arranged in a patchwork/checkerboard pattern.

Private lands in both Parks contain communities, homes and businesses. Public Forest Preserve lands are protected by the NYS Constitution and must remain forever wild.

Periodically, a small section of Forest Preserve can prevent completion of a roadside municipal project. This amendment would create a small land bank (250 acres) to assist Adirondack and Catskill communities, when no alternatives exist.

Communities could remove dangerous curves, replace bridges, install utility lines (electricity, water, and telecommunications), drinking water wells or bike lanes along short segments of local roads that cross Forest Preserve. Currently, even the smallest of such projects would require an individual Constitutional Amendment.

To qualify, projects must be limited to one mile or less in length along the road’s edge. Lands removed from the Forest Preserve would be replaced. Larger, more complicated land swaps would still require a Constitutional Amendment, with approval by voters. The amendment doesn’t authorize installation of new gas or oil pipelines. The Adirondack Council supports this amendment.

*Above: Loons on Upper St. Regis. Larry Master, masterimages.org*



# OTHER AGENCIES



## Green is the Coolest

The NYS Energy Research and Development Authority’s 2016 scientific research determined that progress on acid rain also protects lakes and their inhabitants from overheating due to climate change. Some acidified waters in the Adirondack Park are nearly sterile and as clear as gin. This study showed that as lakes recover from acid rain, they regain their microscopic plant life and suspended organic matter, causing them to grow greener. This prevents sunlight from penetrating to the lake bottom, which helps the lake to retain cold water year-round. Fish like trout, char and salmon need that cold water to survive. This scientific data is invaluable to the Adirondack Council and others, who lobby Congress to prevent a rollback of clean air and climate regulations.



## More Park Visitors, More Park Lovers

The Empire State Development Corp’s I LOVE NY promotional campaigns are aiding the mission of the Adirondack Diversity Initiative. While today, African-Americans make up less than five percent of the Adirondack Park’s year-round population, their ancestors and the struggle to end slavery played a prominent role in Adirondack history. Tourism dollars are boosting awareness of this role and encouraging new Park visitors by advertising historic sites such as John Brown’s Farm in North Elba and the North Star Underground Railroad Museum at Ausable Chasm.

*Above: Survey marker on Goodnow Mountain.*



## Northway Signs

The Dept. of Transportation (DOT) erected signs at the exits for several rest areas along the Adirondack Northway (I-87) that advertise the GEICO Insurance Company’s “sponsorship” of the rest areas’ “text stops.” These signs don’t belong in the Park. State law bans off-premises business signs on all public highways in the Adirondack Park, and business signs have never been allowed on the Northway. The state DOT also installed service and cultural attraction signs in several locations on the Northway. Federal officials have objected. The DOT’s own rulebook for signs inside the Adirondack Park – the Green Book – specifies no additional signage on the Northway.



## Ski Centers Go Green

In March, the Olympic Regional Development Authority (ORDA) announced that it would power the ski centers at Gore Mountain in North Creek and Whiteface Mountain in Wilmington entirely with renewable energy. This feature will be part of each ski center’s promotions, reminding visitors that fossil fuel consumption propels climate change and impacts their lives.



*Bicknell's Thrush.* Photo: Larry Master, masterimages.org



## Keep Whiteface Unzipped

The Olympic Regional Development Authority announced plans to build a zipline and “mountain coaster” at state-owned facilities, potentially violating the NYS Constitution’s “Forever Wild” clause. It also could disturb wildlife such as the Bicknell’s Thrush, who nest and breed on Whiteface, at times of the year when the mountain is currently quiet. The 1941 and 1987 Constitutional Amendments that authorized construction and expansion of the Whiteface ski center were very precise. New infrastructure must be legal.



## Title Six-and-a-Half, at Best...

In 2016, under its new Title X approval process for commercial power plants, the Public Service Commission didn’t involve the Adirondack Park Agency or notify Park environmental organizations when developers proposed 40 wind turbines on the Park’s border. The location of the 500 foot-tall turbines guarantees a visual impact on the Forest Preserve, and may impact migratory bird flight paths and bat populations. Avangrid’s North Ridge Wind Project is proposed for the Park border towns of Parishville and Hopkinton, in St. Lawrence County.



# LOCAL GOVERNMENTS



## Village Recruits Water Posse

The Village of Lake George published a compelling report on its need for a new, \$17-million wastewater treatment system, and sent it around to environmental and community-development organizations to gain their support. The Adirondack Council was happy to include the village's wastewater needs in our report *Clean Water Infrastructure in the Adirondack Park: Crisis or Opportunity* that helped secure some \$2.5 billion in new state funding for the next five years.



## CP-3 Equals ATVs

A coalition of local government officials calling itself Access the Adirondacks (ATA) continues to press for bicycle and motorized vehicle access to the Boreas Ponds. During land-classification hearings at the Adirondack Park Agency last summer, officials heard overwhelming environmental, scientific and economic evidence to support a classification of motor-free Wilderness. ATA also called for "CP-3 Access" to the ponds. CP-3 refers to the Department of Environmental Conservation Commissioner's Policy 3, which governs motor vehicle, including all-terrain vehicle, access to certain areas of the Forest Preserve for people with disabilities. Power wheelchairs and other adaptive devices are allowed anywhere on the Forest Preserve without a permit. A flat, level path of a mile or so from the parking lot to Boreas Ponds would pose no obstacle to powered wheelchairs.



## Many Hands Make Light Work

The Village of Lake Placid and the Mirror Lake Watershed Association have been working together to identify areas of excessive road salt use. They hope to curb salt contamination in Mirror Lake and in the Chubb River. The Village is changing drainage patterns and testing new equipment and salt alternatives. The Association monitors the resulting changes in the lake's salinity and recommends additional measures. The Village and Association are also collaborating with the AuSable River Association and the Watershed Institute at Paul Smith's College. Innovative partnerships like these can solve problems that are too complicated for a village government alone.



## Fresh Take on Indian Lake

In April, the Indian Lake Town Board approved a new comprehensive plan to help guide and encourage new development in the hamlet's business district. Plans include making downtown more walking-friendly and attractive to year-round businesses. Indian Lake Supervisor Brian Wells also hopes to capitalize on new Forest Preserve nearby at the Essex Chain of Lakes, and a recently designated Wilderness Area at the Hudson Gorge and as well as spectacular mountain vistas.

*Above: Adirondack Lake in the Town of Indian Lake, Hamilton County.*

Photo © Carl Heilman II/Wild Visions, Inc.



## North Elba Keeps Trying

The Town of North Elba continues a legal battle against the state (and the Adirondack Council) to open an old abandoned road in the state owned Sentinel Mountain Wilderness. The route serves as the Jackrabbit Ski Trail in the winter. The Town argues that the old road in the Forest Preserve should be open to motor vehicles.



## Lake George Studies Road Salt

The Village and several towns in the Lake George watershed are working with the state, the Fund for Lake George, Paul Smith's College and other advocates to reduce the use of road salt, keep roads safe in the winter, and better protect the water quality of Lake George.



*Essex Chain of Lakes, Essex County.*  
Photo © Carl Heilman II/Wild Visions, Inc.



Review additional Local Government actions in the State of the Park online addendum at: [AdirondackCouncil.org](http://AdirondackCouncil.org).



*Glamping tents, Warren County.*

### Glamping on the Schroon

Warren County found a way to reuse its idle county fairgrounds, gain revenue and promote a local business through an agreement with Adirondack Safari, a “glamping” (glamorous camping) business that has established 50 luxury campsites on the property. The fairgrounds are in Warrensburg, on a scenic stretch of the Schroon River, with great fishing and paddling. This arrangement takes pressure off of constitutionally protected state Forest Preserve lands by keeping private lodging and tourist accommodations on county-owned lands capable of withstanding intensive use.

### Power Plants and Skyscrapers

Officials in the St. Lawrence County towns of Parishville and Hopkinton have been working to keep up with the NYS Public Service Commission’s (PSC) review process for siting new commercial power projects (Title X). Neither town is well equipped to review a construction project of this size and scope. Multinational consortium Avangrid Renewables wants to build 40 commercial wind turbines just outside the northwest border of the Adirondack Park. Each turbine in the North Ridge Wind Project would stand nearly 500 feet tall, making them the tallest structures between the skyscrapers of Albany and Montreal. Each town is reviewing its zoning and noise ordinances to protect sensitive areas and people, while hoping they can channel new development into appropriate locations. At the request of local residents, the Adirondack Council urged the PSC to consider the visibility of the proposed turbines from the Adirondack Forest Preserve, as well as their potential impact on migratory birds and bats.



### Halt the Tanker Plan, Bring Out the Rail-bikes

In March, before they would renew Iowa Pacific Holdings (IPH) contract to operate on the county-owned railroad, Warren County board of supervisors extracted a promise from IPH President Ed Ellis that he would not store oil tanker cars on rails between North Creek and Tahawus in the High Peaks. Those rails cross the Forest Preserve and parallel the Upper Hudson River. More recently, the company balked at operating the tourist trains that it had promised would invigorate the economy. Then in May, IPH told the county it had dropped its plans to ship mine tailings on the rails from the defunct iron mines in Tahawus to Long Island. In June, the county signed a contract with a recumbent rail-bicycle rental company that will operate an excursion cycling business on the rails instead.



*Iowa Pacific Holdings LLC abandoned these vandalized passenger rail cars outside of North Creek, leaving them to rust in a very visible location between the state highway and the Upper Hudson River.*



### Scozz to the Rescue!

In February, Moriah Town Supervisor Thomas Scozzafava overcame opposition from Town Councilman Timothy Garrison and persuaded the rest of the town board to vote in favor of the state’s purchase of the Tub Mill Pond tract. The state bought the 1,200-acre parcel using the Environmental Protection Fund, which requires the state to give local governments the option to veto purchases of new Forest Preserve in their towns. Garrison argued the state owns too much land already. Scozzafava said that the owner had a right to sell to the state, and added that the state would pay twice as much in property taxes than the previous owner, who had been enrolled in a tax-abatement program. The state pays full local property taxes on all Forest Preserve lands.

### Park Loses Long-Time Newcomb Supervisor George Canon

Indian Lake native George Canon, 77, passed away this summer, just weeks before the Adirondack



*Canon*

Council held its annual meeting in Canon’s beloved Newcomb.

Canon served as Newcomb’s Town Supervisor for nearly 27 years, retiring

in 2016. George helped to found the Adirondack Association of Towns and Villages, served on the Adirondack Park Local Government Review Board, and pressed state officials in Albany to pay more attention to the Park’s communities. He worked to improve access to the Upper Hudson River, as well as the dozens of lakes that bejewel Newcomb.



### What’s Dusty and Eats Your Car?

The Town of Wilmington Supervisor Randy Preston’s search for alternatives to road salt has earned dividends. The town has received a precedent-setting variance from the NYS Dept. of Transportation to use a predominantly sand mixture to de-ice roads. Sand can be an effective traction enhancer and de-icer. Extra work and planning can keep the sand out of streambeds, which protects aquatic life. Less salt means less contamination in lakes, rivers and groundwater.



*Winter roads covered with a predominately sand mixture serves as an alternative to road salt in the Town of Wilmington, Essex County.*



# DEPT. OF ENVIRONMENTAL CONSERVATION



## Clear Sailing on Raquette Lake

In 2017, the Department of Environmental Conservation (DEC) notified landowners on Raquette Lake's shoreline they now possess clear land titles. In 2013, voters approved a Constitutional Amendment allowing the state to drop its decades-old, often-dubious land claims. In exchange, the Open Space Institute purchased the Marion River Carry canoe passage for roughly \$2 million and sold it at great discount to the state. The landowners also helped protect tracts of important conservation and recreation lands nearby.



*Raquette Lake and the Marion River, Hamilton County*  
Photo © Carl Heilman II/Wild Visions, Inc.



## Interim Plan at Boreas

The temporary recreation plan put in place by the DEC at Boreas Ponds was generally protective of the tract's interior as potential future Wilderness, although the process by which it was created left much to be desired. The plan closed the Gulf Brook Road halfway between the ponds and the Blue Ridge Road, and allowed bikes to the Boreas Pond dam. This plan should keep motorized recreation by the public out while the Adirondack Park Agency mulls a final classification recommendation.



## Shifting Priorities

The DEC's heavy emphasis on enhancing recreation and tourism in planning for state lands and conservation easements is overshadowing its responsibility to protect the natural resources and the wild character of the Forest Preserve. Too many proposed changes focus on more intensive recreational uses, often with little regard to first measuring the carrying capacity of the landscape. This runs counter to the first instructions in the Adirondack Park State Land Master Plan, "... the protection and preservation of the natural resources of the state lands within the Park must be paramount."



## ATVs in Croghan

In March, the DEC released its Recreation Management Plan for the Croghan Tract Conservation Easement and proposed new all-terrain vehicle trails. If ATV trails are opened, it would be the second conservation easement recreation plan to include them without any proposal to prevent ATVs from trespassing on the Forest Preserve. The 12,816-acre Croghan Tract, located in the towns of Croghan and Watson in Lewis County, shares about 8.8 miles of boundary with the Pepperbox Wilderness Area and Watson's East Triangle Wild Forest.



Review additional DEC actions in the State of the Park online addendum at: [AdirondackCouncil.org](http://AdirondackCouncil.org).



## Riding a Bad Precedent

The DEC's draft Unit Management Plan for the Grasse River Wild Forest in St. Lawrence County proposed a permanent all-terrain vehicle (ATV) pathway on "Forever Wild" Forest Preserve. A general ATV ban on the Forest Preserve is needed.



*A DEC patrol boat participates in training on Lake Champlain.*



## Operation Clear Passage

In August, Department of Environmental Conservation Commissioner Basil Seggos hosted three days of law enforcement training exercises on Lake Champlain involving the Div. of Homeland Security and a host of state and local agencies. Among the goals were to protect Lake Champlain water quality from invasive species and other threats such as crude oil transportation.



*Seggos*

*Above: A DEC foot trail marker on St. Regis Mountain.*



## We Know a Nice, Quiet Place...

In the fall leaf-peeping season of 2016, the DEC issued public statements to hikers and tourists heading to the Adirondacks to consider visiting new places instead of the highly used High Peaks Wilderness Area. When coupled with adequate stewardship, this method of spreading visitors to new parts of the landscape can help overused trails, waters and summits to recover. It can also build the economies of smaller Adirondack communities.



## New Crew for Stewardship

In June, the DEC announced they would hire a new five-person trail crew dedicated to improving stewardship of the High Peaks Wilderness Area. The crew will repair and replace heavily visited Wilderness trails to prevent erosion, water pollution and loss of native plant life.



*An unmaintained trail on the Forest Preserve.*



## Time to Dislodge Debar

The DEC continues to retain a non-conforming structure in the Debar Mountain Wild Forest, long after it stopped using the 1939 building to house its personnel. The wood-frame cabin must be removed or demolished. Some have mentioned it as a possible location for overnight accommodations, which is prohibited by law.



## Managing Success

The DEC has not asked for more full-time staff, reopened the High Peaks Unit Management Plan or reconvened the High Peaks Citizens Advisory Committee to address overcrowded trails. More personnel and reforms are needed to ensure visitor safety, natural resource protection and quality wild lands experiences.



*Captive bobcat.* Larry Master, masterimages.org



## Cat Regs Not Cool

In July, the DEC made permanent its loosening of the hunting and trapping regulations for bobcats. In 2012, the DEC established a temporary “Harvest Expansion Area” in central and western New York in its Bobcat Management Plan. Now a special permit to hunt or trap bobcats in this area is no longer required. The Council and others objected to this change, as bobcats’ long lives and slow reproduction rates mean the loss of just a few can leave a void for years.



## Illegal Road Violates Wilderness

Crane Pond Road in the Pharaoh Lake Wilderness Area was due to close to automobile traffic in 1989 under an order from then Commissioner Thomas Jorling, subsequently upheld by the state’s courts. Instead, the DEC allowed people opposed to the closure to remove the barrier boulders and re-open the road. It has done nothing in the subsequent 28 years to protect the Wilderness from this motorized intrusion.



## Saranac Lakes Plan Good, but..

Overall, the DEC’s draft Unit Management Plan (UMP) for the Saranac Lakes Wild Forest took a more comprehensive and holistic approach to planning than other recent UMPs. The plan also has a better balance of non-motorized recreation and motorized uses than others and includes some new restrictions on motors, but the assessments of cumulative recreational impacts and recommendations should be improved.



## Funding to Fight Invasive Species

This summer, the DEC expanded its partnership with Paul Smith’s College’s Adirondack Watershed Institute (AWI) to carry out its 2017 boat steward program. The AWI is receiving \$1.4 million from the Environmental Protection Fund to place 53 stewards at 28 sites across the Adirondacks. The stewardship program trains individuals to identify and remove aquatic invasive species found on watercraft and trailers, and to educate the public about invasives.



## Location, Location, Location

The DEC reversed a decision that hindered the installation of boat-decontamination stations at or near state boat launches. While the fisheries unit worried about congestion at the launches, it became clear that boat-inspection and decontamination stations located far from the launches were not being used. For example, the original “decon” location for Lake Placid was at the airport, not the lake, and very few boaters used it. After it was moved near the launch, usage skyrocketed.



## New Ranger Academy

The DEC sent 45 Environmental Conservation Officer (ECO) and Forest Ranger recruits to start basic police training in March. Their graduation from the academy will restore the number of DEC Rangers and ECOs.



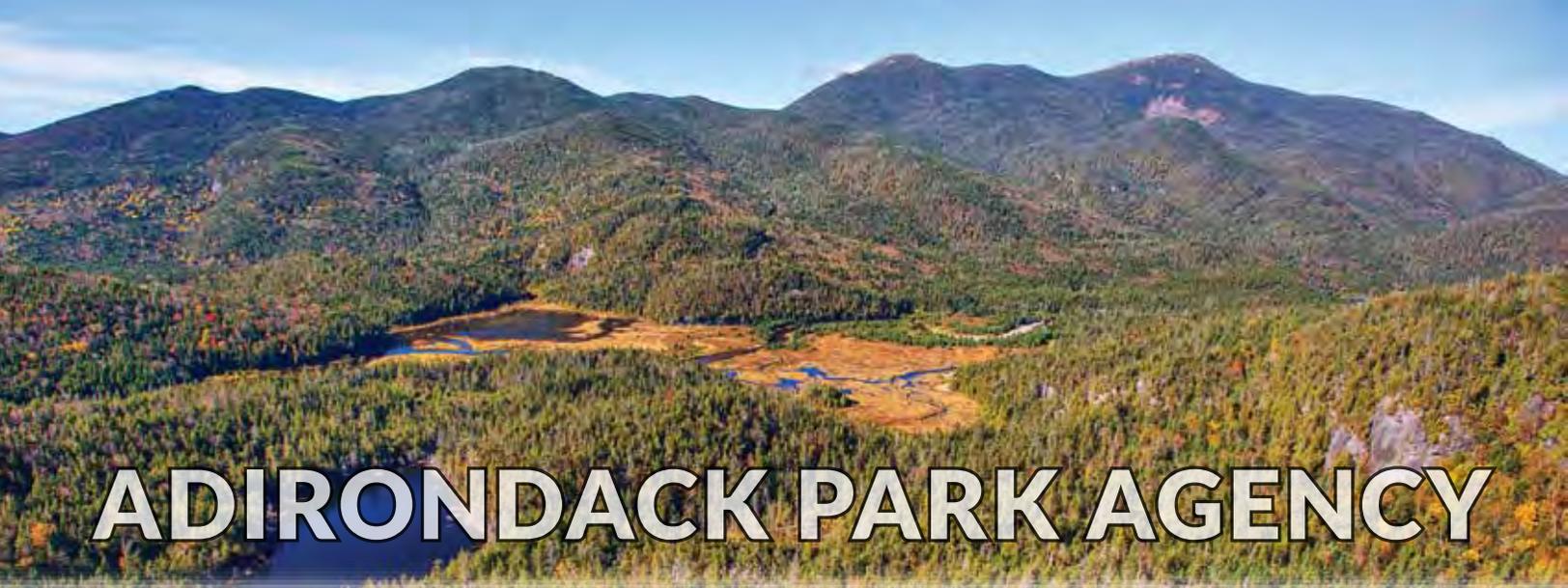
## State Wilderness Clear Cuts?

In February, the DEC announced it wanted to clear-cut three 40-foot-by-40-foot areas of the Ha-De-Ron-Dah Wilderness Area so it could drop “bridge construction” materials from aircraft along the Big Otter Lake Trail. Multiple parties objected and the DEC said it would scale back the plan.



## Million Bacteria Beach

Since August 2016, Million Dollar Beach in Lake George has been repeatedly closed due to excessive fecal coliform bacteria from an undetected source. Every municipality and clean-water organization in the basin is helping in the investigation. Lake George is a drinking water supply.



# ADIRONDACK PARK AGENCY



## Where's the Wilderness?

In September 2016, the Adirondack Park Agency (APA) created the greatest public uproar in its history when it failed to propose a classification alternative for the 20,500-acre Boreas Ponds tract in North Hudson and Newcomb that includes complete Wilderness for the Boreas Ponds and a buffer to the south. Wilderness advocates flooded public hearings and the APA with emails, letters and petitions, with 85 percent favoring Wilderness for the Boreas Ponds.



*Wilderness advocates gather at a public hearing for Boreas Ponds and other state lands.*



## Dawson Wants Data

APA Board Member Chad Dawson has been pressing the Department of Environmental Conservation (DEC) to stop proposing intensive recreational uses for the Forest Preserve without counting the environmental cost. By requesting that the DEC provide data on the cumulative impacts of proposed recreation



*Dawson*

plans, Dawson is improving the state's planning efforts. He is also protecting wilderness, water quality and wildlife.



## An Avalanche of Pressure

In 2016, former board member Dick Booth of Ithaca complained that the APA's board had buckled under to extreme pressure from the Governor's staff. He said APA staff had been instructed to approve management changes that diminished the wild character of the Forest Preserve. The APA must certify that any Forest Preserve Unit Management Plan (UMP) proposed by the DEC complies with the Adirondack Park State Land Master Plan. The master plan favors resource protection above recreational opportunities, and the APA staff has resisted being a rubber stamp for the DEC. Yet the much-smaller APA struggles to keep pace as the DEC submits a multitude of proposed UMPs for review, each with more intensive recreation included.



## Clear-Cut Approvals

The APA continues to expedite clear-cutting permits for commercial timber operations, without attempting to measure the cumulative impacts on a regional scale. While individual projects appear to be well designed by professional foresters, the APA should publicly evaluate cumulative impacts of clear-cuts on the Park's ecosystems, viewsheds and watersheds. Opportunity is needed for improved public review and input.

*Above: The Flowed Lands and Algonquin. Photo © Carl Heilman II/Wild Visions, Inc.*



## Governor's APA Speaks

In, June, the APA took the unusual, but welcome step of passing a resolution condemning the Trump administration's withdrawal from the Paris Climate Agreement. The APA stated: "The impacts of climate change transcend regional boundaries and political affiliations. In the Adirondacks we have witnessed the devastating impacts of catastrophic weather events which damaged our communities costing millions in reconstruction and lost revenue. Our winter economy is threatened ... increased use of coal-fired power plants in the Midwest will bring acid rain ..." The remainder of the resolution praised Governor Cuomo's "brave leadership" in opposing the withdrawal. APA press statements must be approved by the Governor's staff.



## Personal Note from the Adirondacks

Chairman Sherman Craig delivered the APA's resolution condemning the



*Craig*

nation's withdrawal from the Paris Climate Agreement to Congresswoman Elise Stefanik, R-Willsboro. It's important for the state's representatives to understand how climate change and air pollution

continue to harm the Adirondack Park.

## Heat, Electricity and Clean Air

The state's interest in renewable energy led to a new biomass power plant at the Ray Brook headquarters the APA shares with DEC Region 5 and the State Police. The \$3-million plant will burn only sustainably harvested, local wood pellets in a high-efficiency, low-emission boiler system. The renewable heating loop system will save the state in annual energy costs while also reducing greenhouse gas emissions by more than 391 tons a year.



MacIntyre West and the Santanoni Range.  
Photo © Carl Heilman II/Wild Visions, Inc.

## Waiting to be Classified

This was in State of the Park 2015 and we're still waiting: The APA has yet to classify the Casey Brook, the MacIntyre West and the MacIntyre East tracts that New York State acquired from the Nature Conservancy in April 2013, May 2014 and April 2015 respectively. The 1,587-acre Casey Brook parcel is adjacent to the Dix Mountain Wilderness Area, and the MacIntyre West (5,770 acres) and MacIntyre East (6,800 acres) parcels both adjoin the southern border of the High Peaks Wilderness.

## Seeking a New SEQRA

Staff at the APA did an excellent job of drafting an update for the agency's State Environmental Quality Review Act (SEQRA) compliance regulations. APA staff spent months working with stakeholders to improve the rules, while making them simpler to follow. All state agencies that make environmental decisions must administer environmental reviews using SEQRA as their guide.

## Lake Placid Development Clustered

The APA approved a 17-lot subdivision just south of Lake Placid on lands that abut the High Peaks Wilderness Area after working with the developer to cluster the lots on the north side of the property closer to Rt.73 and away from the state Wilderness, wetlands and the Adirondack Loj road. The result was a good example of the enhanced protections that are possible with science-based "conservation design" principles.

## Smallest Wetland Footprint Required

In May, the APA reauthorized a three-year general permit allowing the replacement of utility poles in designated wetlands. It prevents additional permanent disturbances while facilitating maintenance. No work is allowed outside of existing rights of way.

## APA Lowers Hamilton County Tower

In August, the APA used visual assessments and imposed significant conditions to limit the visibility of an emergency communications tower proposed by Hamilton County. A decade ago, neighboring Saratoga County provided emergency coverage for the entire Sacandaga Valley with four towers that complied with the APA's "substantially invisible" policy.



Review additional Park Agency actions in the State of the Park online addendum at: [AdirondackCouncil.org](http://AdirondackCouncil.org).

## Influential Park Leader John Collins Passes

Adirondack native, conservationist and former Chairman of the Adirondack Park Agency John R.



Collins, Jr. passed away in June at the age of 79. John grew up in Blue Mountain Lake, attending a one-room schoolhouse in his quiet hamlet of 130 souls.

Collins was a kind and soft-spoken man, whom North Country Public Radio described as, "one of the Adirondack Park's most influential cultural and environmental leaders over the last half-century." Indeed he was.

Photo: Adirondack Experience

## How About Next to the Launch?

In September 2016 while reviewing DEC Unit Management Plan for the Horicon Boat Launch, the APA encouraged the DEC to move its proposed boat decontamination station closer to the boat launch. The DEC ultimately agreed. The new location will make it easier for boaters to find and use the "decon" facility.

## A Minimum of Steel & Plastic

The APA is trying to complete a request by the DEC to authorize use of non-natural materials for bridge replacements on the Forest Preserve outside of Wilderness without diminishing the Forest Preserve's wild character. In May, the APA published a plan for the DEC which requires bare-minimum management actions.



Snowmobile bridge construction.



# FEDERAL GOVERNMENT

## Fox Given Keys to Henhouse

President Donald Trump’s administration appears to have declared war on clean air. In February, Oklahoma Atty. Gen. Scott Pruitt was appointed administrator of the Environmental Protection Agency (EPA). Pruitt spent much of his legal career suing the EPA to overturn clean air and greenhouse gas rules, in conjunction with the fossil fuel industry. Now he is dismantling the rules from the inside.

## We’re Out of Paris

In May, President Trump said the United States would withdraw from the Paris Climate Agreement – a global greenhouse gas program that requires less of the United States than President Obama’s Climate Action Plan would have accomplished.



## Pruitt’s Toxic Sky

In April, EPA Administrator Pruitt sought a delay in the EPA’s defense of the Mercury and Air Toxics Rule, which limits smokestack emissions of deadly chemicals. The rule is being challenged by polluters in the U.S. Court of Appeals for the District of Columbia Circuit. Administrator Pruitt is expected to drop the EPA’s defense of the rule. Mercury kills nerve and brain cells, harms organs and causes birth defects.

## Breaking from the Pack

In July, U.S. Reps. John Faso, R-Kinderhook, and Elise Stefanik, R-Willsboro, were the only two members of the New York Republican Congressional delegation to join all state Democratic members and vote against the Ozone Standards Implementation Act.



The bill would delay implementation of the 2015 smog rules under National Ambient Air Quality Standards (NAAQS), stalling them from 2017 to 2025. It would also require the EPA to wait 10 years between NAAQS updates, rather than the current five. The NAAQS for smog are designed to protect public health. The EPA is also supposed to implement NAAQS to protect public welfare by curbing decreased visibility and damage to animals, crops, vegetation, and buildings. The EPA has balked, saying it isn’t sure how to do it.

## Bring Back Conservation

In January, Congresswoman Stefanik co-sponsored a bill to permanently reauthorize the federal Land and Water Conservation Fund. The fund has provided up to \$900 million annually in the past for open space and watershed protection projects. The money comes entirely from off-shore drilling royalties.

## Can Repeal, But Must Replace

In April, EPA Administrator Pruitt began the rulemaking process to repeal the Clean Power Plan (CPP). However, he can’t just repeal it. He has to replace it. In 2009, the EPA ruled that greenhouse gases constitute a danger to public health, so the EPA was obligated to curb that danger. In 2015, the EPA created the CPP, which required power plants to curb carbon dioxide, methane and other climate-warming gases. The CPP was suspended when power plant owners and fossil fuel companies sued to overturn it. That case is still pending in a federal appellate court. In August, Pruitt signaled that he would stop defending the CPP in court too. The court gave Pruitt until October to make a decision. The EPA estimates that the CPP would prevent 3,600 premature deaths per year for lung and heart diseases.

## We All Need Water

The federal budget extension approved in May included \$1.5 billion for EPA’s Water Infrastructure Finance and Innovation Act fund. The fund supplies grants and loans to municipalities for water projects. The funds offset costs that would otherwise be borne by taxpayers. Congressman Paul Tonko, D-Amsterdam, is pushing for at least \$2.0 billion in federal FY’18.



*Above: Ice heave on Lake George. Photo © Carl Heilman II/Wild Visions, Inc.*

## Can't Hear You

All summer, EPA Administrator Pruitt ignored public officials and health experts in Delaware, Maryland and Connecticut



Pruitt

who asked him in April to protect them from 36 coal-fired smokestacks at Midwest power plants. Those plants cause acid rain and fine particle pollution year-round, but in the summer, heat and sunlight turn the air

pollution into smog. The Clean Air Act prohibits smokestacks in one state from causing smog in another. All 36 of those power plants are already equipped with special pollution-control devices. But the owners are not required to turn them on until the EPA says to. On August 4, a coalition that included Environmental Defense Fund and the Adirondack Council sent Pruitt a mandatory 60-day warning, stating that we intend to sue if he doesn't act. As of the end of August, he had not responded.

## Tone at the Top is Fearful & Hateful

President Trump's racially charged comments are contrary to the Adirondack Diversity Initiative's (ADI) strategies to make the Adirondack Park a place that welcomes all. In fact, they may have inspired a shameful incident in the fall of 2016 in which the Sierra Club's first black president, Aaron Mair, was harassed by white, beer-drinking rafters on the Schroon River.

## Science is Simpler without Scientists

In May, EPA Administrator Pruitt fired most of his Board of Scientific Advisors.



Zinke

Concurrently, Interior Secretary Ryan Zinke said he would review 200 advisory panels. Both Pruitt and Zinke said it was a first step in a broader effort to change the way the federal government

evaluates the scientific basis for its regulations.

## Easing Easement Management

In January, Congresswoman Stefanik introduced legislation that would allow states to designate "qualified organizations" to acquire and manage conservation easements purchased with Forest Legacy Act monies. Forest Legacy funds conservation agreements with landowners who promise not to develop or subdivide their lands.

## Chainsaw Surgery on Budget

The Trump administration's March budget plan included a 31-percent drop in the EPA's funding. This would cause drastic cuts to the programs that protect clean water, clean air and public health.

## Defending Adirondack Lakes

U.S. Rep. Elise Stefanik pledged to work to restore proposed cuts to the Environmental Protection Agency's budget for acid rain research and monitoring, funding for the Adirondack Lakes Survey Corp's lake chemistry testing and air monitoring. These programs provide the scientific data needed to show whether emissions controls for acid rain, fine particles and smog rules are actually working. The U.S.



Stefanik



Maloney

Reps. Carolyn Maloney, D-Manhattan, Paul Tonko and John Faso, also said they would fight for the EPA.

## Half-Measures Won't Do

In March, Stefanik and 16 other GOP members voted for a resolution stating Congress should act on climate change. However, at the end of the resolution was a clause stating that action should only be taken if it won't affect the economy.



Review additional Federal Government actions in the State of the Park online addendum at: [AdirondackCouncil.org](http://AdirondackCouncil.org).

## So Sue Me! (EDF Did)

In June, EPA Administrator Pruitt announced he would delay by one year the implementation of rules designed to curb methane leaks at oil and gas production facilities. Methane is a potent greenhouse gas. The delay wasn't legal under the Clean Air Act. A coalition led by the Environmental Defense Fund sued in July, and Pruitt dropped the delay.

## So Sue Me! (Schneiderman Did)

In July, EPA Administrator Pruitt tried to delay by another year the EPA's obligation to identify which states are out of compliance with the new health standards for smog. Current smog rules were created in 2008, but have a mandatory five-year review. The EPA had nearly finished the rules to carry out the healthier 2015 standard when Pruitt was appointed. Step one is to identify which states aren't meeting the standard, then each must develop a plan to curb emissions. When Pruitt balked, New York Attorney Gen. Eric Schneiderman led a coalition of states that sued in August. Pruitt dropped the delay and now has until October to identify states that exceed the health threshold.

## Breaking from the Pack II

U.S. Rep. Stefanik spoke out against the Trump administration's decision to fire most of the EPA's Board of Scientific Counselors in May. She joined 70 Representatives, mostly Democrats, in sending a letter criticizing EPA Administrator Pruitt's dismissal of the highly regarded scientists. See *Science is Simpler without Scientists* left.

## Not-So-Great Lakes Funding

The Trump administration budget in March slashed funding for Lake Champlain Basin Program and the Great Lakes Restoration Initiative. Both have been outstanding partners with programs and organizations in New York in combating invasive species and improving water quality. In September Congresswoman Stefanik and the house voted to restore this funding.

# TIP OF THE HAT & AWARDS

## Partner Contributions

Each year the Adirondack Council recognizes individuals and not-for-profit organizations whose work has advanced environmental protection and shown how nature and people can thrive together in the Adirondack Park. Those making contributions over the past year include:

**Paul Smith's College** is improving Park stewardship through its **Adirondack Watershed Institute**, coordinating invasive species controls with the Adirondack Park Invasive Plant Program and other not-for-profits.

**ADKAction** has taken a leadership role in efforts to halt road salt contamination and joined with **Lake Placid Land Conservancy, Wild Center, and Common Ground Gardens** to launch the **Adirondack Pollinator Project**.

Lake George's **S.A.V.E. the Lake Partnership** has been coordinating actions and funding in the fight against road salt contamination and invasive species.

The **Jefferson Project at Lake George** is a cooperative effort by **Rensselaer Polytechnic Institute, IBM Research** and **The FUND for Lake George**, whose research uses advanced technology and science to diagnose, preserve and protect water quality.

These upstate publications were among those that printed one or more editorials favoring a motor-free Wilderness classification for Boreas Ponds, plus a buffer of at least a mile to the south: **Post-Star** of Glens Falls, **Press-Republican** of Plattsburgh, **Times Union** of Albany, **Adirondack Explorer** magazine of Saranac Lake, **Courier-Observer** of Potsdam, **Lake George Mirror**, **Lake Placid News**, **Leader-Herald** of Gloversville, **Malone Telegram**, **Ogdensburg Journal**, **Daily Gazette** of Schenectady, and **Watertown Daily Times**.

The **Adirondack North Country Association, CSX Transportation** and the **Conservation Fund** helped **Hub on the Hill** in Essex to buy a refrigerated truck for its locally produced food preparation, distribution and marketing center.

The **Schroon Lake, Paradox Lake** and **East Shore of Schroon Lake** associations were among the many local lake associations that donated or partially funded a boat-decontamination station to combat aquatic invasive species.

The citizens of Westport created the **Ballard Park Foundation** to maintain an important green space above the lake in the hamlet center for concerts, celebrations and winter skating.



L-R: Board Chair Bob Kafin, Executive Director Willie Janeway, carving artist Bob Padden, Adirondack Land Trust Executive Director Mike Carr and award winning landscape photographer Carl Heilman.

## Conservationist of the Year

On July 8, more than 250 Adirondack Council supporters gathered under a tent in spectacular Overlook Town Park in Newcomb to celebrate the work of Adirondack Land Trust Executive Director Michael Carr. Carr, whose work has protected some 340,000 acres of the Adirondack Park from subdivision and development, accepted the Council's Conservationist of Year Award during its annual Forever Wild Day awards ceremony.

## Park Communicator

During the same celebration, the Council awarded its Park Communicator Award to photographer/videographer Carl Heilman II, of Wild Visions, Inc. Carl's work has been featured on many Adirondack calendars, publications, newsletters, reports, and advertising, supporting and inspiring Adirondack conservation.



Former NY Rep. John McHugh (center) poses for a moment with Adirondack Council's Sheehan (left) and Janeway (right) as they thank McHugh for his work protecting the Adirondack Park from acid rain while he was a member of Congress.



# 2018 PRIORITIES

Elected and appointed government leaders will be making critical decisions in the year ahead that will affect the legacy of the Adirondacks for all time. *Priorities for 2018 government actions include:*

- **Forest Preserve Protections:** Adopt a Wilderness classification to protect the Boreas Ponds and the most sensitive unclassified lands from motorized or mechanized recreation. Embrace coordinated unit planning. Develop a strategy to address increased use, visitor safety, resource damage, stewardship and infrastructure, and education needs. Approve a general ban on all-terrain vehicles in the Forest Preserve.
- **Vibrant Diverse Communities:** Support smart growth, hamlet development, tourism promotion, diversity, and infrastructure in communities. Advance glamping and hut-to-hut lodging in hamlets and on private lands. Properly implement the Community Health and Safety Land Bank Constitutional Amendment if approved by NYS voters.
- **Clean Air & Water:** Ensure compliance with current federal and state clean air and clean water laws. Fight acid rain, smog and climate changing air pollution. Implement state and regional emissions cap reductions. Support the Clean Power Plan. Advance a critical loads standard. Protect the Environmental Protection Agency’s budget from cuts that impact the Park. Curtail use of road salt. Fight invasive species.
- **Healthy Forests & Farms:** Reform the state timberland tax-abatement (RTPL 480a) program to encourage private land stewardship and improve wildlife habitat. Curb clear-cutting. Monitor and enforce conservation easements. Support farms.
- **Forever Wild:** Defend the NYS Constitution’s “Forever Wild” clause (Article XIV). Improve state enforcement of, and compliance with, Forever Wild legal requirements. Develop plans for addressing invasive species infestations on the Forest Preserve without material tree-cutting.
- **Adirondack Park Agency Reforms:** Adopt state legislation, policies and other changes to better protect wildlife, water, backcountry open space, and the Park’s peaceful wild character. Improve science, outreach, transparency, education, compliance, and private and public land use planning.
- **Conservation Funding:** Spend new Clean Water funding. Expand the state’s dedicated Environmental Protection Fund towards a \$1-billion goal and/or authorize a new Bond Act. Increase DEC, APA and sister agency environmental staffing and non-personnel funding. Increase funds for long-term research and monitoring.

The Adirondack Council is committed to our mission, our values and these priorities. We will use the best available science and respect diverse views in order to achieve these results. We will employ our knowledge of the political process to be the leading advocate for the Adirondacks. We work with partners, promote diversity, and find common ground when possible. We carry on the legacy of early conservation visionaries and ensure the Park is known and protected as a national treasure.

*Above: Unnamed pond near Minerva, Essex County.*



**ADIRONDACK COUNCIL**  
*Defending the East's Greatest Wilderness*  
103 Hand Avenue, Suite 3  
PO Box D-2  
Elizabethtown, NY 12932



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## Enter the Hornbeck Canoe Raffle!

Peter and Ann Hornbeck of Hornbeck Boats have kindly donated one of their top-selling New Tricks canoes in order to raise funds to support the projects and programs of the Adirondack Council. The 12' long kevlar and carbon fiber boat weighs just 18 lbs., perfect for exploring the beautiful remote quiet waters of the Adirondacks. The drawing will be held on December 21, in time to plan your 2018 paddling adventures.



*New Tricks Twelve (retail value: \$1,695)*

**Raffle tickets are available on our website: [AdirondackCouncil.org](http://AdirondackCouncil.org) (\$10 for 1 ticket or \$25 for 3 tickets).**

# BOREAS PONDS UPDATE

## Thanks For Your Support!

More than 30,000 comments, petition signatures and letters and emails to the Adirondack Park Agency (APA) and the Governor's office helped make sure policymakers got the message that Boreas Ponds and select other new state lands deserve to be classified and protected as Wilderness!

Never before has the APA received such an overwhelming flood of public interest and support for a classification (or any) decision. If the Governor's APA follows the science, the law, public opinion, and the state's progressive conservation tradition, we stand ready to applaud. If the Governor listens to the 12 editorials that supported the compromise we, the BeWildNY coalition and other partners advocated for, Wilderness and communities win.

There are proposals for new public motorized and mechanized recreational uses near, on and around the Boreas Ponds. These proposals to develop recreation amenities near the ponds threaten the very sensitive ecological treasures and future wilderness character of the most remote of the former Finch-Pruyn/Nature Conservancy lands. As we go to press, the APA Board has not made a recommendation to Gov. Andrew Cuomo.

Please keep an eye peeled for future Action Alert updates. We will be calling on you again when it's important to make your voice heard!

*Above: Boreas Ponds.*

Photo © Carl Heilman II/Wild Visions, Inc.



# STATE OF THE PARK 2017-18

- ADDENDUM -



# THE GOVERNOR

## Boreas Needs Protection Not Infrastructure

The Governor's State of the State Message called for "infrastructure" at Boreas Ponds to support a hut-to-hut lodging plan for the area. Privately operated lodging should be sited on private lands, not constitutionally protected, "Forever Wild" Forest Preserve. The 20,500-acre Boreas Ponds tract is the largest and most biologically important tract of potential motor-free Wilderness of the Finch lands purchased for the Forest Preserve. The ponds should be classified as Wilderness and incorporated into the High Peaks Wilderness Area along with the neighboring tracts of MacIntyre East, MacIntyre West, Casey Brook and Open Space Institute tracts. As Wilderness, the Boreas Ponds and the Boreas River would require no infrastructure other than a portion of an existing access road and parking lot, both of which should terminate a mile to the south of the ponds.

## Tourism, Olympic Funding Boosted

The Governor included \$7 million for the Adirondack North Country in the I Love NY Tourism budget this year, which was \$2 million over 2016 levels. This featured a new advertising campaign in February highlighting Adirondack winter sports to audiences across the Northeastern U.S. and Eastern Canada. Cuomo's budget also included \$10 million in new funding for energy efficiency and renovation projects to allow the Olympic Regional Development Authority to reduce operating costs and environmental impacts at its facilities.

## Fish to Serve on NYSERDA Board

Governor Cuomo appointed Adirondack North Country Association (ANCA) Executive Director Kate Fish to the NYS Energy Research & Development Authority board of directors. Aside from ANCA, an economic development organization, Fish serves on the board of the Adirondack Center for Loon Conservation. Fish



was the Managing Director of Business for Social Responsibility in Europe, a global nonprofit that works to develop sustainable business strategies and solutions.

## State Loses Green Voice

The Governor neglected to nominate Liz Thorndike to another term on the NYS Energy Research and Development Authority (NYSERDA) board of directors in January. Instead, he allowed her term to expire and replaced her. Appointed to the NYSERDA board in 1997 by Gov. George Pataki, Thorndike was a strong voice for environmental conservation and monitoring. Each year, she would hold a forum and invite representatives of all the state's environmental organizations to provide input on NYSERDA's goals and its work. Thorndike also served several terms as a strong vote for conservation on the Adirondack Park Agency board, to which she was appointed by Gov. Mario Cuomo. Thorndike is the founder of the Center for Environmental Information in Rochester.

## Sub-Divided Loyalties

Governor Cuomo has appointed more current local government officials to the Adirondack Park Agency (APA) board than any previous administration. There are two current local officials and one former town official among the five in-Park board members. While some local government experience can be valuable to a Park Agency board member, appointing current municipal officials to the APA can create conflicts of interest when reviewing development projects of regional significance or policies that affect local governments.

## Raised the Age

In April, Governor Cuomo signed a bill that will end the prosecuting of non-violent 16- and 17-year-olds as adults. This will move most cases for young offenders away from criminal courts and jail and towards family court and better supervision. Studies show that avoiding jail increases a young person's opportunities for a successful career and the ability to establish and sustain a family and household. This is especially important in rural communities, where the loss of just a few youths to penal institutions can impact an entire community. This was a goal of the Adirondack Diversity Initiative which the Adirondack Council helped establish.

## Mercury Weight Reduced

After we went to print with last year's State of the Park, the Governor signed into law a bill banning the use of mercury-based wheel balancing weights for trucks and other heavy vehicles sold in 2018 and beyond. Wheel weights now represent one of the largest remaining significant sources of toxic mercury, resulting in toxic waste strewn along roadsides, in roadside waters and in unsuitable municipal landfills. Mercury exposure causes organ and nerve damage and birth defects.



*Above: Boreas Ponds and the High Peaks. Photo © Carl Heilman II/Wild Visions, Inc.*



# STATE LEGISLATURE

## BOTH HOUSES

### Age is Raised

In April, the Legislature approved a bill that directs that, by October 2019, the state will no longer prosecute all non-violent 16- and 17-year-olds charged with a crime as adults. This will move most cases for young offenders away from criminal courts and jail and towards family court and better supervision.

### Ethics Cloud Constitutional Issue

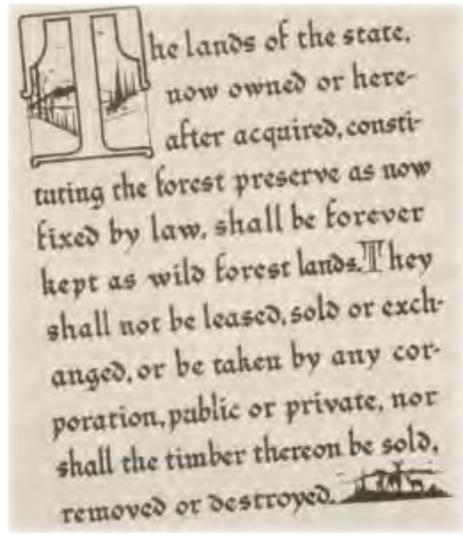
The Legislature's continued failure to achieve government ethics or campaign finance reforms has undermined public confidence in state government. So has the prosecution of the former leaders of both houses on federal corruption charges related to their offices. This has lent momentum to calling for a Constitutional Convention, just as the public is due to be asked on Election Day (Nov. 7, 2017) whether it wishes to hold one. This public zeal to overcome corruption could lead to unintended consequences for the Adirondack Forest Preserve. A convention puts the "Forever Wild" clause (Article XIV, Section 1) at risk of being amended or repealed.

*Above: Farm fields in Westport, Essex County.*

## THE SENATE

### Fish Named to NYSERDA

The Senate confirmed Kate Fish of the Adirondack North Country Association to the board of directors for the NYS Energy Research and Development Authority. See ***Fish to Serve on NYSERDA Board*** under the Governor.



*Article XIV, Section 1 of the NYS Constitution.*

## THE ASSEMBLY

### Speaker, Chairman Stand for Park

Assembly Speaker Carl Heastie, D-Bronx, and Environmental Conservation Committee Chairman Steve Englebright,



*Heastie*

D-Setauket, stood firm for environmental protection this session. Both worked to assist the Adirondacks during negotiations over the state budget, a Constitutional Amendment to create a

Community Health & Safety Land Bank, and the implementing legislation for that amendment.

### Even Small Wetlands Have Big Impact

Assemblyman Englebright sponsored a bill that would require the Dept. of Environmental Conservation to protect



*Englebright*

wetlands as small as one acre from development statewide. Currently, the one-acre standard applies only inside the Adirondack Park. Outside the Park, the minimum size of a wetland that qualifies

for protection is 12 acres. Wetlands don't have to be large to be important for wildlife habitat, water purification and flood control.

### Can't Wait to Shoot Moose

Assembly members Stephen Hawley, R-Albion, Joseph Giglio, R-Gowanda, and David DiPietro, R-East Aurora, sponsored a bill that would create a moose hunting season in New York. It did not pass the Assembly. See ***Moose in the Crosshairs*** under the Senate.



*Moose in Lake Placid. Larry Master, masterimages.org*



# THE COURTS



## More Humane Wolf Policy

In August, the U.S. Court of Appeals for the District of Columbia Circuit ruled in *Humane Society of the U.S. v. Zinke* that the Western Great Lakes Distinct Population Segment of Grey Wolves will remain on the federal List of Endangered Species. Grey wolves deserve protection across all of their former range, including the Midwest and Northeast. One way that wolves could one day repopulate their former Adirondack range is for individuals to stray from neighboring populations in the Great Lakes region, New England or Canada. Species listed as endangered by the U.S. Fish & Wildlife Service gain extra protections from hunting and trapping, and habitat destruction.



## Builder Can't Ignore State's Water Concerns

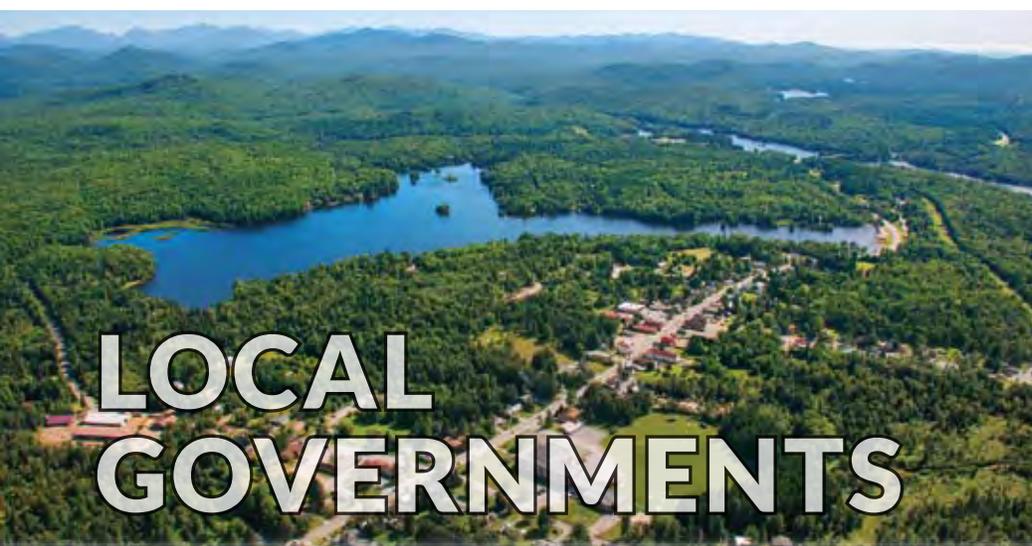
In August, the U.S. Court of Appeals for the Second Circuit upheld the NYS Dept. of Environmental Conservation's (DEC) denial of a water-quality permit for the proposed 124-mile Constitution Natural-Gas Pipeline. The company had attempted to ignore the state's concerns about construction in wetlands and stream crossings as part of a federal licensing procedure. The court said New York has a right to demand answers to such questions before signing off on pipeline permits, which is an important safeguard for any future pipeline projects that may affect the Adirondack Park.



## New Climate for Pipeline Reviews

In August, the U.S. Court of Appeals for the District of Columbia Circuit may have signaled a significant change in how it will review the impacts of natural gas pipelines, by demanding full consideration of their impact on climate change. Siding with the Sierra Club, a 2-1 majority said the Federal Energy Regulatory Commission (FERC) failed to consider downstream greenhouse gas emissions from a project proposed in the Southeastern United States. It vacated FERC's approval of the pipeline, part of which is already in service. The court said FERC failed to consider the consequences of the fossil fuel in the pipeline being burned by consumers. Legal experts said the ruling could have broad impacts on other challenges dealing with climate analysis under the National Environmental Policy Act. They also expected an appeal.

*Above: Paddlers on the Moose River.*  
Photo © Carl Heilman II/Wild Visions, Inc.



# LOCAL GOVERNMENTS



## Today's Site Visit May be Damp

In May, the Saranac Lake Development Board (formerly the Village Planning Board) approved an unusual planned unit development district (PUDD) for a proposed lakeshore hotel. The board included land under the waters of Pontiac Bay in Lake Flower to expand a 2.9-acre project site into the minimum 3-acre lot size required for a PUDD in Saranac Lake.

*Left: Adirondack Lake in the Town of Indian Lake, Hamilton County.*

Photo © Carl Heilman II/Wild Visions, Inc.

# DEPT. OF ENVIRONMENTAL CONSERVATION



## Poor Planning

An interim recreational use plan for the 20,500+ acre Boreas tract purchased by the state from the Adirondack Chapter of The Nature Conservancy includes, according to DEC, “approximately 25 miles of seven roadways open to horse and horse drawn wagons.” Since miles of this are not open or passable to horses, and have been closed for years, either the state didn’t evaluate the condition of these old roads in advance of announcing the plan, or did and ignored the facts from the field.

## No ATVs in Sacandaga Plan

In April, the DEC released a Recreation Management Plan for the Sacandaga Block Conservation Easement that proposes no new all-terrain vehicle use. This is a wise choice for the steep slopes and undeveloped ridges southeast of the Great Sacandaga Lake.

## Valcour to See Fewer Landings

The DEC removed one-third of the nearly 30 well-worn campsites on historic Valcour Island on Lake Champlain, as part of its new management plan for the Lake Champlain Islands Complex. The islands were the site of a decisive Revolutionary War battle in October 1776. They comprise 1,134 acres of Forest Preserve on Valcour, Schuyler, Cole, Garden, Sheepshead, and Signal Buoy islands, as well as three shoreline boat launches.

*Above: A DEC foot trail marker on St. Regis Mountain.*

## Over the Top on Blue Mountain

Reacting to a tragic vehicle accident near the top of Blue Mountain in Hamilton County, state officials constructed a banked, paved highway to replace a dirt road. The state also built a wide, new gravel road through the Forest Preserve. Officials avoided public notice and input by declaring the project to be a reconstruction of an existing road. Long term, this road may increase pressure for more towers and for vehicular public access to the state fire tower at the top. While a conservation easement currently prohibits public use, the state can alter terms of easements. Improvements were needed, but this was over the top.



*Paved road on Blue Mountain.*

## Equipping the Troops

The DEC helped Adirondack communities curb invasive species with grants from the Environmental Protection Fund. The Town of Lake Pleasant won a \$93,000 grant for education and outreach programs and \$100,000 for a decontamination station in Speculator, while DEC awarded \$89,250 for a decontamination station at Piseco Lake.

## Putting Up a Stop Sign

DEC Forest Rangers ticketed the leaders of a Canadian bus tour group in August 2016 for exceeding the maximum group size in the High Peaks Wilderness Area by an astounding 300 percent. They were also cited for acting as wilderness guides without a license. Although, no more than 15 people may hike together in Wilderness, the pair had led 67 visitors to the summit Algonquin Peak, the state’s second-highest mountain.

## Green Campgrounds

The DEC is currently updating the management plans for Piseco Lake, Caroga Lake and Buck Pond campgrounds. Proposals include undergrounding overhead powerlines, replacing old water lines and relocating campsites to improve the visitor experience. The DEC is still also planning to permanently close the Poplar Point section of the Piseco Campground and redevelop it as a day-use area.

## Rangers Had Their Hands Full

Big crowds in the Adirondacks have rangers on their toes. In 2016, forest rangers conducted 217 search missions, 131 rescues and 9 recoveries. Of those, 76 percent (271) occurred on state lands. Most were resolved in a day or two, but not all. In one dramatic rescue, rangers saved the lives of a young couple who were stranded in a blizzard atop Algonquin Mountain from Dec. 11 to 13 and were suffering hypothermia. Video of their airlift during a snow squall made world news. Rangers also dealt with motorized vehicle trespass, illegal tree cutting, campsite damage, and overcrowding of mountain summits.



*An assistant Forest Ranger.*

## Boxing the Constitution

In the fall of 2016, DEC leaders invited controversy when they instructed consultants to “think outside the box” when making proposals to link the Adirondack Forest Preserve to communities. This resulted in a proposal for a hut-to-hut camping proposal that included options to use or construct buildings on the Forest Preserve for lodging. The DEC later expressed qualified support for this idea, even though it is clearly unconstitutional. In fact, voters rejected it when they defeated a Constitutional Amendment that would have allowed cabins and lodges on the Forest Preserve in 1932. Hut-to-hut lodgings can work on private land in the Adirondacks, where lodging is legal and would not compromise the integrity of the Forest Preserve. Now proposals to establish lodging facilities on at least five different Forest Preserve locations have surfaced.

## Great South Woods Complex Plan Printed

The Great South Woods comprehensive multi-unit plan was completed, printed and distributed. This was a cooperative effort by DEC, the State University of New York College of Environmental Science and Forestry and local government stakeholders, with a focus on enhanced recreational infrastructure to better connect communities to the Forest Preserve. The idea was good. Implementation of key recommendations should be considered after there is an opportunity for public review and comment, and then revisions made based on those comments.

## What Does the Lake Have to Do with It?

The DEC advanced the Piseco Lake Campground Complex Unit Management Plan without performing a carrying capacity study for Piseco Lake. It also failed to estimate the cumulative impacts of both motorized and non-motorized recreation in the Saranac Lakes Wild Forest Unit Management Plan.

## Not So Fast

The DEC’s proposed management plans for the Siamese Ponds Wilderness, the Jessup River Wild Forest and the Blue Mountain Lake Wild Forest seek to incorporate recommendations from several regional planning efforts without first soliciting public comment on those plans. This approach appears to violate the State Environmental Quality Review Act and the State Administrative Procedures Act. Included with DEC’s recommendations are plans created by the Conceptual Plan for Hut-to-Hut Destination-based Trail System and the Great South Woods Complex Planning Strategy and Recommendations, which continue the pattern of emphasizing recreation over environmental protection.

## Rail & Trail Planning Advances

In April, the DEC released its Draft Conceptual Plan for a 34-mile multi-use recreational trail on the Remsen-Lake Placid railway between Lake Placid and Tupper Lake. The Plan lays out strategies to protect the integrity of the travel corridor and provides positive outcomes for railroad and recreational trail proponents, adjacent conservation lands, as well as local communities.



*NYCO mine in Lewis, Essex County.*

## No Plan for NYCO?

Four years after the voters approved a Constitutional Amendment allowing NYCO Minerals to test drill on the Forest Preserve for wollastonite, the test drilling is done but details are few. State officials haven’t announced whether they and the company will pursue required legislation to acquire and mine the new site, or rehabilitate the disturbed test area. In either case, the public deserves more information, and an opportunity to comment on a plan.

## Pushing for Clean Water

Staff in the DEC’s divisions of water and legal have worked closely with local communities and the Environmental Facilities Corporation to help ensure the Adirondacks received over \$30 million in clean water funding.

## Better Returned Than Flushed

The DEC has established a pharmaceutical take-back program to keep unused medicines from polluting lakes, rivers and groundwater. Consumers can dispose of unused medicines safely in drop-boxes at retail pharmacies, hospitals, medical clinics with on-site pharmacies, and long-term care facilities. The DEC will purchase and maintain the drop boxes for two years, after which it is up to the establishments to maintain the service. Improperly discarded prescriptions drugs cannot be neutralized or removed by private septic or municipal sewage systems.

## Crushing River Pollution

A probe by the DEC’s Bureau of Environmental Crimes Investigations unit led to the March shut-down of a riverside salvage yard and car-crushing operation in Clintonville and the arrest of its two owners, one of whom was an Ausable town justice. The investigation halted the flow of pollution into the Ausable River and will result in the removal of more than 1,000 waste tires.

## Helping Communities Fight Climate Change

The Office of Climate Change at the DEC has promoted and expanded the Climate Smart Community effort. Also, the DEC’s Division of Air has helped lead the multi-state effort for clean air, and against climate change and acid rain.

## Lending a Hand

Technical assistance from the DEC’s legislative and legal experts was helpful in preparing the enabling legislation and language for the Health and Safety Land Bank Amendment approved by the NYS Legislature.

## Rapid Response for Forest Invaders

In December 2016, the Division of Lands and Forests published a Rapid Response Framework to help public and private forest managers cope with the discovery of new invasive species. It proposes a protocol for verification of the new species, notification of other land/water managers, rapid assessment of the threat, a coordinated action plan, and restoration efforts where needed.



*Hemlock Woolly Adelgid*

## Sane Plan for Woolly Invader

When faced with the outbreak of hemlock woolly adelgid on Forest Preserve trees on Prospect Mountain in July, the DEC announced a rational plan to curb the infestation. Rather than fall and chip the infested trees, the DEC will inject an insecticide to kill the parasites. Woolly adelgids can destroy century-old hemlock trees in just a few years. Hemlocks, which are estimated to make up 15 percent of all trees in the Adirondacks, are responsible for much of the deep shade in lake and river valleys, allowing cold-water fish such as trout and salmon to thrive. Hemlocks are also important to the lumber industry. In the past, cold winter temperatures, which have been rising due to climate change, have prevented woolly adelgids from establishing a population in the Park.

## Decon Station Broadalbin

This portable decontamination station was installed in June at the NYS boat launch at Broadalbin on the Great Sacandaga Lake. Every day, inspectors from the Adirondack Watershed Institute at Paul Smith's College ask every boater for permission to inspect their crafts before launch. Inspectors encourage participation by offering boaters that use the decontamination station a free entry into a drawing for a pricey Yeti cooler.

## Years Later, Public Access Still Denied

As of May, the DEC had not enforced its conservation easement requiring the 2014 removal of 37 of the 43 leased hunting camps on the Long Pond Tract in Colton, St. Lawrence County. Instead, media accounts note that the DEC was allowing members of the State Legislature to renegotiate the easement's provisions with owners Danzer Forestland, in an effort to keep the private camps. Those unprecedented efforts appeared to collapse in 2016. Danzer sent letters to leaseholders in December asking them to remove their belongings from the cabins, so the cabins could be removed and the lands finally opened to public access. However, a Freedom of Information Request in May 2017 revealed the DEC had made no progress in removing the cabins.

## Wilmington, Moose River Cycling Boosted

In January, the DEC offered an amendment to the Moose River Plains Wild Forest Unit Management Plan that would improve local recreation and economic development by adding a single-track mountain biking trail system that connects to nearby villages and hamlets. The resource conditions in the Moose River Plains are well-suited for cycling use. The plan seeks to expand bicycling in areas adjacent to highly visited areas such as Eighth Lake Campground and Great Camp Sagamore. It will channel bicycling away from sensitive areas while monitoring the level of use to assess the environmental impact. The DEC also approved an appropriately located, single-track plan for the Wilmington Wild Forest that has brought a much-wanted boost to local tourism.



*Road in the Moose River Plains Wild Forest, Hamilton County.*

## Monies for 5-Towns Tourism Hub

In December, the DEC announced that it would award up to \$750,000 in funding for tourism promotion and economic development in a group of southern Adirondack towns dubbed the "Upper Hudson Recreational Hub." The towns of Minerva, Newcomb, Indian Lake, Long Lake, and North Hudson are eligible for some of \$250,000 offered up through the Natural Heritage Trust, while small businesses in the municipalities will be eligible to apply for part of an additional \$500,000 put up by The Nature Conservancy. Grants can be as much as \$125,000 with no match required.

## Promoting Adirondack Diversity

The participation by the entire DEC and its environmental justice division have benefited the Adirondack Diversity Initiative, along with the support of many public and private partners.



*Members of Girls, Inc. visit the Olympic ski jumps in Lake Placid, Essex County.*

## Boosting the Camper Ranks

The DEC's First-Time Camper Weekends were an innovative idea to get new campers into the woods to spend a night under the stars. In May, the DEC began notifying applicants they had won free camping gear – a family tent, sleeping bags, sleeping pads, camp chairs, camp stove, lantern, and a stack of firewood. Camping Ambassadors met families at the campsite, helped them set up, offered lessons in how to fish, and ideas on where to hike, paddle and view wildlife. Families got to keep the gear, encouraging them to continue to appreciate the outdoors and the Adirondacks. Eight state campgrounds were available to campers, including Paradox Lake and Hearthstone Point campgrounds in the Park.



# FEDERAL GOVERNMENT



## It Isn't Due

Sen. Lisa Murkowski, R-Alaska, sponsored a bill that would grant preferred status to timber produced under “green certification” programs. The conservation standards of the Forest Stewardship Council (FSC) certification program are considered the benchmark for these programs. While proposed certification by the industry’s Sustainable Forestry Initiative or the American Tree Farm program is superior to no forestry plan, they lack the same rigorous environmental standards set by the FSC for the sustainable growth, harvest, handling, and transportation of wood products.



## Mountains are for Mining

In February, Adirondack Park U.S. Rep. Elise Stefanik, R-Willsboro, voted along with 223 of her GOP colleagues to resume mountaintop removal and dumping of mining waste into streams on lands regulated by federal mining laws. It doesn't affect her home district, but sets an awful precedent for the treatment of public resources.



## Haven't Dug Over There Yet ...

In August, Administrator Pruitt and Secretary Zinke teamed up again on a plan to open new federal lands to coal mining. The lands are in the Powder River Basin in Montana and Wyoming, which is already strip-mined for 500 million tons of coal per year. Coal-fired power plants are a principal cause of acid rain that negatively impacts the Adirondacks.



## Cleaner Air, Leaner Bills

In November of 2016, the U.S. Environmental Protection Agency (EPA) and National Highway Traffic Safety Administration jointly finalized new fuel efficiency and greenhouse gas standards for medium- and heavy-duty vehicles that will improve fuel efficiency and cut carbon pollution. The rules require improvements through 2027. The standards are expected to reduce carbon-dioxide emissions by 1.1 billion metric tons, and would save vehicle owners \$170 billion in fuel costs. They will reduce oil consumption by up to two-billion barrels over the lifetime of the vehicles sold under the program. Overall, the EPA estimates the standards will save \$8 for every dollar spent. In June, the Trump administration announced it would review the fuel-efficiency standards and diminish the targets.



# OTHER AGENCIES



## DOT Plan Puts Tupper in Driver's Seat

The Department of Transportation (DOT) developed a 180-page management plan for the rehabilitation and use of the Adirondack Railroad between Utica and Tupper Lake. The plan will help Tupper, Old Forge and a host of other communities benefit from the new tourism traffic. The portion between Tupper and Lake Placid will be replaced by a multi-use trail.



## Wait ... What?

In September 2016, Vermont fisheries officials used the pesticide 3-trifluoromethyl-4-nitrophenol (brand name TFM) to kill native sea lamprey in Lake Champlain's eastern tributaries. At the time, fisheries officials knew that Vermont state water officials would then have to install special filters, because the lake's water would no longer meet state drinking water standards for TFM contamination.



## Better Than Cutting Trees

The Olympic Regional Development Authority (ORDA) managed its relationships with local landowners well this year and kept its trails in place at the Mount Van Hoevenberg Intensive Use Area. It had proposed rerouting two parallel cross-country ski trail segments from private lands to the Forest Preserve. The approximately 1,200-foot reroute would have eliminated the use of existing trails located on lands that are part of an expired temporary easement, and required two bridge crossings and cutting down 367 trees. Instead, ORDA renegotiated the easement.